

Exhibit D  
Planning Commission  
Resolution No. 11-019

Housing Ordinance Amending Title 21  
(Non-Coastal Zoning Ordinance)  
REF100052

Board of Supervisors  
May 24, 2011

Before the Planning Commission in and for the  
County of Monterey, State of California

**Resolution No. 11-019**

Resolution of the Monterey County Planning Commission recommending )  
that the Monterey County Board of Supervisors )

- 1). Adopt the Negative Declaration prepared for the Amendment to Title )  
21 related to implementation of the 2009-2014 Housing Element. )
- 2) Adopt an ordinance amending Title 21 (Non-Coastal Zoning) of the )  
Monterey County Code as follows: Chapter 21.06 (Definitions), )  
Chapter 21.10 (High Density Residential Zoning Districts), Chapter )  
21.12 (Medium Density Residential Zoning Districts), Chapter 21.14 )  
(Low Density Residential Zoning Districts), Chapter 21.16 (Rural )  
Density Residential Zoning Districts), Chapter 21.30 (Farmlands )  
Zoning Districts), Chapter 21.32 (Rural Grazing Zoning Districts), )  
Chapter 21.34 (Permanent Grazing Zoning Districts), Chapter 21.36 )  
(Resource Conservation Zoning Districts), Chapter 21.39 (Community )  
Plan Zoning Districts), Chapter 21.58 (Regulations for Parking), )  
Chapter 21.64 (Special Regulations), Chapter 21.66 (Development )  
Standards) and adding Chapters for Requests for Reasonable )  
Accommodation and Density Bonus and Incentives. (REF100052) )
- 3) Direct staff to prepare an ordinance creating a process whereby )  
residential property owners may apply for special accommodations to )  
provide access to people with disabilities. )

Proposed amendments to Title 21 (Non-Coastal Zoning) came before the Monterey County Planning Commission at a duly noticed public hearing on May 11, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony and other evidence presented, the Planning Commission forwards the following recommendation to the Board of Supervisors with reference to the following facts:

**I. RECITALS:**

- 1. The Monterey County Housing Element 2009-2014 was adopted by the Monterey County Board of Supervisors on June 15, 2010.
- 2. In a letter dated August 18, 2010 the State of Housing and Community Development determined that the Housing Element 2009-2014 was in full compliance with the State housing element law (Article 10.6 of the Government Code).
- 3. *Goal H.4* of the 2009-2014 Housing Element was to reduce government constraints to housing production in order to help address housing needs in the County by facilitating the provision of a variety of housing types and lowering development costs. The Housing Element identified the need to amend the current definition of "Family" and to develop new ordinances in the following areas in order to comply with *Goal H.4: Residential Care Facility; Transitional Housing or Transitional Housing Development; Supportive*

*Housing; Agricultural Employee Housing Facility; Employee Housing; Single Room Occupancy (SRO) Unit; Homeless Shelters; Accessory Dwelling Units; Reasonable Accommodation; Density Bonuses and Incentives.*

4. Not all residences within the County are accessible for persons with disabilities. In situations where Zoning standards pose an obstacle to providing access, provisions should be created which allow a property owner to apply for a permit (other than a variance) to be able to provide accessibility to persons with disabilities.
5. Pursuant to the California Environmental Quality Act (CEQA), the County prepared an Initial Study, Notice of Intent to Adopt a Negative Declaration, and draft Negative Declaration for the Ordinance amendments to Title 21 (Non-Coastal Zoning), pursuant to the implementation of the Monterey County Housing Element 2009-2014. The Initial Study concluded that the adoption of the Ordinance amendments would not have a significant impact on the environment. The Initial Study and draft Negative Declaration were circulated for public review from February 18, 2011 to March 19, 2011. A Comment letter was received from the State of California Department of Transportation. The letter did not request any changes or disagree with the findings of the Negative Declaration.
6. On January 27, 2011, the Monterey County Agricultural Advisory Committee received a presentation on the Preliminary Draft Ordinance Amendments to Title 21 (Non-Coastal Zoning) and recommended approval of the Ordinance to the Monterey County Board of Supervisors.
7. On March 9, 2011, the Housing Advisory Committee (HAC) received a presentation on the Preliminary Draft Ordinance Amendments to Title 21 (Non-Coastal Zoning) and the HAC recommended approval of the Ordinance to the Monterey County Board of Supervisors.
8. On March 9, 2011 and March 30, 2011, the Monterey County Planning Commission received a presentation and conducted a public workshop on the Preliminary Draft Ordinance Amendments for Title 21 (Non-Coastal Zoning).
9. The Draft Ordinance amending Title 21 (Non-Coastal Zoning) has been reviewed for consistency with the goals and policies of the 2010 Monterey County General Plan and the Draft Ordinance is consistent with the 2010 Monterey County General Plan.
10. On April 27, 2011 and May 11, 2011 the Monterey County Planning Commission conducted a public hearing on the draft Negative Declaration and the Draft Ordinance amending Title 21 (Non-Coastal Zoning) in order to implement the 2009-2014 Housing Element, at which all persons were provided the opportunity to appear and be heard. The hearing was duly noticed in the Salinas Californian and the Monterey County Herald at least 10 days prior to the hearing.

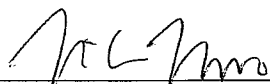
## II. DECISION:

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission hereby recommends that the Board of Supervisors

- 1) Adopt the Negative Declaration prepared for the Amendment to Title 21 related to implementation of the 2009-2014 Housing Element.
- 2) Adopt an ordinance amending Title 21 (Non-Coastal Zoning) of the Monterey County Code as follows: Chapter 21.06 (Definitions), Chapter 21.10 (High Density Residential Zoning Districts), Chapter 21.12 (Medium Density Residential Zoning Districts), Chapter 21.14 (Low Density Residential Zoning Districts), Chapter 21.16 (Rural Density Residential Zoning Districts), Chapter 21.30 (Farmlands Zoning Districts), Chapter 21.32 (Rural Grazing Zoning Districts), Chapter 21.34 (Permanent Grazing Zoning Districts), Chapter 21.36 (Resource Conservation Zoning Districts), Chapter 21.39 (Community Plan Zoning Districts), Chapter 21.58 (Regulations for Parking), Chapter 21.64 (Special Regulations), Chapter 21.66 (Development Standards) and adding Chapters for Requests for Reasonable Accommodation and Density Bonus and Incentives. (REF100052)
- 3) Direct staff to prepare an ordinance creating a process whereby residential property owners may apply for special accommodations to provide access to people with disabilities.

**PASSED AND ADOPTED** on this 11<sup>th</sup> day of May, 2011, upon motion of Commissioner Vandevere, seconded by Commissioner Brown, by the following vote:

AYES: Brown, Vandevere, Roberts, Rochester, Getzelman, Mendez, Diehl, Padilla, Hert  
NOES: None  
ABSENT: Salazar

By:   
Mike Novo, Secretary

# ATTACHMENT 1

## DRAFT ORDINANCE- AMENDMENTS TO TITLE 21

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING TITLE 21 (NON-COASTAL ZONING) OF THE MONTEREY COUNTY CODE TO IMPLEMENT THE 2009-2014 HOUSING ELEMENT OF THE MONTEREY COUNTY GENERAL PLAN AND TO CONFORM TO STATE LAW REQUIREMENTS.**

### **County Counsel Summary**

*This ordinance amends Title 21 (Non-Coastal Zoning) of the Monterey County Code to implement the 2009-2014 Housing Element of the Monterey County General Plan and to conform to State housing law requirements. This ordinance adds Chapter 21.61 and amends Chapters 21.64 and 21.66 of Title 21 to provide regulations and development standards for Requests for Reasonable Accommodation, Accessory Dwelling Units, Agricultural Employee Housing, Transitional Housing and Transitional Housing Development, Supportive Housing, Single Room Occupancy Facilities, and Homeless Shelters. This ordinance also adds Chapter 21.65 to provide regulations for density bonuses and incentives. The ordinance also makes corresponding revisions to regulations for zoning districts, including Chapter 21.10 (High Density Residential), Chapter 21.12 (Medium Density Residential), Chapter 21.14 (Low Density Residential), Chapter 21.16 (Rural Density Residential), Chapter 21.30 (Farmlands), Chapter 21.32 (Rural Grazing), Chapter 21.34 (Permanent Grazing), Chapter 21.36 (Resource Conservation), and Chapter 21.39 (Community Plan), to specify whether, in each of these zoning districts, the following forms of housing are allowed uses or require a discretionary permit: Residential Care Facility, Transitional Housing and Transitional Housing Development, Supportive Housing, Agricultural Employee Housing, Employee Housing, Single Room Occupancy Facility, Homeless Shelter, and Accessory Dwelling Unit. This Ordinance also amends Chapter 21.58 to provide parking requirements for these housing forms. This ordinance also amends Chapter 21.06 to revise and update definitions of terms.*

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

### **[21.06 – Definitions]\*\***

SECTION 1. Section 21.06.012 is added to the Monterey County Code to read as follows:

#### **21.06.012 Agricultural Employee.**

“Agricultural Employee” means a person engaged in agriculture, including: farming in all its branches, and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, furbearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including

\*\* Titles inserted for context only, will not be included in final ordinance.

preparation for market and delivery to storage or to market or to carriers for transportation to market.

SECTION 2. Section 21.06.014 is added to the Monterey County Code to read as follows:

**21.06.014 Agricultural Employee Housing.**

“Agricultural Employee Housing” means any living quarters or accommodations of any type, including mobile homes, which , complying with the building standards in the State Building Standards Code or an adopted local ordinance with equivalent minimum standards for building(s) used for human habitation, and buildings accessory thereto, where accommodations are provided by any person for individuals or families employed in farming or other agricultural activities. The agricultural employee housing is not required to be located on the same property where the agricultural employee is employed.

SECTION 3. Section 21.06.160 of the Monterey County Code is amended as follows:

**21.06.160 - Caretaker unit.**

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

SECTION 4. Section 21.06.372 is added to the Monterey County Code to read as follows:

**21.06.372 Dwelling Unit, Accessory**

“Accessory Dwelling Unit” means a permanent residence, secondary to an existing main dwelling, which provides complete independent living facilities for one or more persons. It shall include permanent provision for living, sleeping, eating, cooking, and sanitation on the same parcel where the single-family dwelling is situated.

SECTION 5. Section 21.06.427 is added to the Monterey County Code to read as follows:

**21.06.427 – Employee.**

“Employee” means the same as “employee” as defined in Section 17005 of the California Health and Safety Code, as may be periodically amended.

SECTION 6. Section 21.06.429 is added to the Monterey County Code to read as follows:

**21.06.429- Employee housing.**

“Employee housing” means the same as “employee housing” as defined in Section 17008 of the California Health and Safety Code, as may be periodically amended.

SECTION 7. Section 21.06.450 of the Monterey County Code is amended to read as follows:

**21.06.450 – Family.**

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

SECTION 8. Section 21.06.455 is added to the Monterey County Code to read as follows:

**21.06.455 – Farmworker.**

“Farmworker” means the same as “Agricultural Employee” as defined in this Chapter 21.06.

SECTION 9. Section 21.06.460 of the Monterey County Code is repealed.

**21.06.460 – [Repealed].-Farm employee family housing.**

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

SECTION 10. Section 21.06.470 of the Monterey County Code is repealed.

**21.06.470 – [Repealed].Farm employee housing facility.**

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

SECTION 11. Section 21.06.480 of the Monterey County Code is repealed.

**21.06.480 – [Repealed].Farm Worker Housing Facility.**

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

SECTION 12. Section 21.06.641 is added to the Monterey County Code to read as follows:

**21.06.641- Homeless shelter.**

"Homeless shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. "Homeless shelter" has the same meaning as "emergency shelter" as defined in Section 50801 (e) of the California Health and Safety Code, as may be periodically amended.

SECTION 13. Section 21.06.925 is added to the Monterey County Code to read as follows:

**21.06.925 – Reasonable accommodation.**

"Reasonable accommodation" means providing flexibility in the application of this Title including the modification or waiver of certain requirements, when, such modification or waiver is necessary to eliminate barriers to housing opportunities for individuals with disabilities.

SECTION 14. Section 21.06.932 is added to the Monterey County Code to read as follows:

**21.06.932 – Residential care facility, large.**

"Large residential care facility" means a living facility for seven to twelve residents, excluding operators, licensed by the State of California, which provides 24-hour residential care and varying levels and intensities of medical or non-medical care, supervision, services or assistance to persons living in a residential setting.

SECTION 15. Section 21.06.933 is added to the Monterey County Code to read as follows:

**21.06.933 – Residential care facility, small.**

"Small residential care facility" means a living facility for up to six residents, excluding operators, licensed by the State of California which provides 24-hour residential care and varying levels and intensities of medical or non-medical care, supervision, services or assistance to people living in a residential setting.

SECTION 16. Section 21.06.1000 of the Monterey County Code is repealed.

**21.06.1000 – [Repealed] Senior citizen unit.**

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

SECTION 17. Section 21.06.1115 is added to the Monterey County Code to read as follows:

**21.06.1115 Single Room Occupancy (SRO) Facility.**



“Single Room Occupancy (SRO) Facility” means a residential facility containing rooms for sleeping purposes, for one or two people, where the room is smaller than normally found in multiple family dwelling units, the room is occupied as a primary residence, and the room is provided for a fixed period of time in exchange for an agreed payment of a fixed amount of money or other compensation based on the period of occupancy.

SECTION 18. Section 21.06.1230 of the Monterey County Code is amended to read as follows:

**21.06.1230 – Structure, Accessory.**

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

SECTION 19. Section 21.06.1276 is added to the Monterey County Code to read as follows:

**21.06.1276 – Supportive housing.**

“Supportive housing” means housing with no limit on length of stay, that is occupied by the “target population” (as “target population” is defined in this Chapter 21.06), and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

SECTION 20. Section 21.06.1278 is added to the Monterey County Code to read as follows:

**21.06.1278 – Target population.**

“Target population” means persons with low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (California Welfare and Institutions Code, section 4500 et seq.) and may include, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

SECTION 21. Section 21.06.1311 is added to the Monterey County Code to read as follows:

**21.06.1311- Transient.**

“Transient” means: Temporary, of limited duration or for a short period of time.

SECTION 22. Section 21.06.1312 is added to the Monterey County Code to read as follows:

21.06.1312- Transitional Housing and Transitional Housing Development.

“Transitional housing” and “transitional housing development” means buildings configured as rental housing developments, but operated under program requirements, that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (Reference: California Health and Safety Code section 50675.2.)

**[21.10 – High-Density Residential Zone]\*\***

SECTION 23. Section 21.10.030 of the Monterey County Code is amended to read as follows:

**21.10.030 Uses Allowed.**

- A. The first single family dwelling per lot;
- B. Single family dwellings, not exceeding a density of five dwelling units/acre, gross;
- C. Duplexes, not exceeding five dwelling units/acre, gross;
- D. Multiple dwellings not exceeding five dwelling units/acre gross;
- E. The keeping of pets, but not more than two dogs per dwelling unit;
- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Small family day care home;
- H. Small Residential Care Facility; Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- I. Non-habitable accessory structures and accessory uses to any permitted use;
- J. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning;
- K. Cultivation, cutting and removal of Christmas trees;
- L. Home occupations, pursuant to Section 21.64.090;
- M. Other uses of a similar character, density and intensity to those listed in this Section.
- N. Accessory Dwelling Unit meeting the development standards of Section 21.64.030;
- O. Homeless Shelter, pursuant to Section 21.64.330;
- P. Employee Housing providing accommodations for up to six employees;
- Q. Supportive Housing contained within the housing types of this Section
- R. Transitional Housing or Transitional Housing Development contained within a dwelling unit if the dwelling unit is an allowed use under this section.

SECTION 24. Section 21.10.040 of the Monterey County Code is amended to read as follows:

**21.10.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- A. Single family dwellings, between five to ten (10) dwelling units/acre, gross, except for the first single family dwelling on a lot;
- B. Duplexes, between five to eight dwelling units/acre, gross;
- C. Multiple dwellings and dwelling groups, between five to eight dwelling units/acre, gross;
- D. ~~Senior citizen units meeting the development standards of Section 21.64.010[Repealed];~~
- E. Tract sales or rental offices;
- F. Reduction in setback requirements of ten (10) percent or less of the required setbacks;
- G. Small water system facilities including wells and storage tanks of five to fourteen (14) service connections;
- H. Other uses of a similar character, density and intensity to those listed in this Section.
- I. Multiple dwellings and dwelling groups for affordable housing projects in Development Incentive Zones, pursuant to Section 21.10.070D;
- J. Additions to existing approved wireless communications facilities, pursuant to Section 21.64.310;
- K. Supportive Housing; contained within the housing types of this Section;
- L. Transitional Housing or Transitional Housing Development contained within the housing types of this Section.

SECTION 25. Section 21.10.050 of the Monterey County Code is amended to read as follows:

**21.10.050 Uses Allowed, Use Permit Required In Each Case. (Chapter 21.74)**

- A. Any residential use, except the first single family dwelling on a vacant lot, exceeding ten (10) dwelling units/acre gross;
- B. Mobilehome parks, pursuant to Section 21.64.210;
- C. Rest homes, sanitariums, convalescent homes;
- D. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;
- E. Parking lots used in conjunction with an adjoining commercial use (ZA);
- F. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- G. Legal nonconforming use changed to a use of a similar or more restricted nature;
- H. Bed and breakfast facility, pursuant to Section 21.64.100;
- I. Commercial and noncommercial wind energy systems;
- J. Time share uses, pursuant to Section 21.64.110;
- K. Ridgeline development;
- L. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections (ZA);
- M. Removal of minerals or natural materials for commercial purposes;

- N. Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding ten (10) days, and not involving construction of permanent facilities (ZA);
- O. Accessory structures and accessory uses prior to establishment of main use or structure (ZA);
- P. Large family day care home;
- Q. The exploration for and the removal of oil and gas (ZA);
- R. Development in the Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- S. Other uses of a similar character, density and intensity as those listed in this Section;
- T. Cottage industries, pursuant to Section 21.64.095 (ZA);
- U. Rooming and boarding houses (ZA);
- V. Wireless communications facilities, pursuant to Section 21.64.310;
- W. Large Residential Care Facility (ZA);
- X. Single Room Occupancy Facility, pursuant to Section 21.64.033 (ZA);
- Y. Supportive Housing; contained within contained within the housing types of this Section;
- Z. Transitional Housing or Transitional Housing Development; contained within the housing types of this Section.

### [21.12 – Medium-Density Residential Zone]\*\*

SECTION 26. Section 21.12.030 of the Monterey County Code is amended to read as follows:

#### 21.12.030 Uses Allowed.

- A. The first single family dwelling per lot;
- B. The keeping of pets, but not more than four dogs per dwelling unit;
- C. Guesthouses meeting the development standards of Section 21.64.020;
- D. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- E. Small family day care home;
- F. Small Residential Care Facility; Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- G. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning;
- H. Non-habitable accessory structures and accessory uses to any permitted use;
- I. Cultivation, cutting and removal of Christmas trees;
- J. Home occupations, pursuant to Section 21.64.090;
- K. Rooming and boarding of not more than two persons;
- L. Other uses of a similar character, density and intensity to those listed in this Section;
- M. Intermittent livestock farming or animal husbandry uses such as "4-H" projects on a minimum of twenty thousand (20,000) square feet;
- N. Accessory Dwelling Unit meeting the development standards of Section 21.64.030;
- O. Employee Housing providing accommodations for up to six employees;

- P. Supportive Housing; contained within a dwelling unit if the dwelling unit is an allowed use under this section.
- Q. Transitional Housing or Transitional Housing Development; contained within a dwelling unit if the dwelling unit is an allowed use under this section.

SECTION 27. Section 21.12.040 of the Monterey County Code is amended to read as follows:

**21.12.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- A. Second single family dwelling provided the gross density does not exceed the dwelling units/acre specified on the Sectional District Map (Not in Del Monte Forest);
- B. The first duplex on a vacant lot, not exceeding two dwelling units/acre provided the gross density does not exceed the dwelling units/acre specified on the Sectional District Map (Not in Del Monte Forest);
- C. ~~Senior citizen units meeting the development standards of Section 21.64.010; [Repealed];~~
- D. Tract sales or rental offices;
- E. Reduction in setback requirements of ten (10) percent or less of the required setbacks;
- F. Small water system facilities including wells and storage tanks of five to fourteen (14) service connections;
- G. Other uses of a similar character, density and intensity to those listed in this Section.
- H. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310;
- I. [Intentionally left vacant]
- J. Supportive Housing; contained within the housing types of this Section;
- K. Transitional Housing or Transitional Housing Development contained within the housing types of this Section;

SECTION 28. Section 21.12.050 of the Monterey County Code is amended to read as follows:

**21.12.050 Uses Allowed, Use Permit Required In Each Case. (Chapter 21.74)**

- A. Any residential use, except the first single family dwelling on a vacant lot, exceeding two dwelling units/acre, gross, and not exceeding four units, total (Not in Del Monte Forest);
- B. Rooming houses and boardinghouses (ZA);
- C. Rest homes (ZA);
- D. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;
- E. Parking lots used in conjunction to an adjoining commercial or retail use (ZA);
- F. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- G. Legal nonconforming use changed to a use of a similar or more restricted nature;
- H. Bed and breakfast facilities, pursuant to Section 21.64.100;
- I. Commercial and noncommercial wind energy conversion systems;

- J. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- K. Ridgeline development;
- L. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections (ZA);
- M. Removal of minerals and natural materials for commercial purposes;
- N. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten (10) days and not involving construction of permanent facilities (ZA);
- O. Accessory structures and uses prior to establishment of main use or structure (ZA);
- P. Large family day care home;
- Q. Cottage industries, pursuant to Section 21.64.095 (ZA);
- R. Other uses of a similar nature, density and intensity as those listed in this Section;
- S. The exploration for and the removal of oil and gas (ZA).
- T. Mobile home parks, pursuant to Section 21.64.210.
- U. Wireless communications facilities, pursuant to Section 21.64.310.
- V. Large Residential Care Facility (ZA);
- W. Supportive Housing; contained within the housing types of this Section;
- X. Transitional Housing or Transitional Housing Development; contained within the housing types of this Section;

**[21.14 – Low-Density Residential Zone]\*\***

SECTION 29. Section 21.14.030 of the Monterey County Code is amended to read as follows:

**21.14.030 Uses Allowed.**

- A. The first single family dwelling per lot;
- B. Guesthouses meeting the development standards of Section 21.64.020;
- C. The keeping of pets;
- D. Animal husbandry and small livestock farming; provided that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand (20,000) square feet of land area;
- E. Rooming and boarding of not more than two persons;
- F. Non-habitable accessory structures and accessory uses to any permitted use;
- G. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- H. Small family day care home;
- I. Small Residential Care Facility; Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- J. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning;
- K. Cultivation, cutting and removal of Christmas trees;
- L. Home occupations, pursuant to Section 21.64.090;

- M. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving and where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- N. Crop farming, tree farming, viticulture and horticulture;
- O. Other uses of a similar character, density and intensity to those listed in this Section;
- P. Intermittent livestock farming or animal husbandry uses such as "4-H" projects;
- Q. Accessory Dwelling Unit meeting the development standards of Section 21.64.030;
- R. Employee Housing providing accommodations for up to six employees;
- S. Supportive Housing, contained within a dwelling unit if the dwelling unit is an allowed use under this section;
- T. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section

SECTION 30. Section 21.14.040 of the Monterey County Code is amended to read as follows:

**21.14.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- ~~A. Senior citizen units meeting the development standards of Section 21.64.010; [Repealed];~~
- ~~B. Tract sales or rental offices;~~
- ~~C. Caretaker unit meeting the development standards of Section 21.64.030; [Repealed];~~
- ~~D. Farm employee housing facility for not more than two families or more than five single persons; [Repealed];~~
- E. Second residential unit not exceeding the zoning density of the property;
- F. Reduction in setback requirements of ten (10) percent or less of the required setbacks;
- G. Small water system facilities including wells and storage tanks of five to fourteen (14) service connections;
- H. Other uses of a similar character, density and intensity to those listed in this Section.
- I. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.
- J. [Intentionally left vacant]
- K. Supportive Housing, contained within the housing types of this Section;
- L. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section.

SECTION 31. Section 21.14.050 of the Monterey County Code is amended to read as follows:

**21.14.050 Uses Allowed, Use Permit Required In Each Case. (Chapter 21.74)**

- A. Additional residential units to a maximum of four on any lot and not exceeding the zoning density of the property;
- B. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities or corporation yards;
- C. Country clubs;

- D. Golf courses;
- E. Commercial kennel (ZA);
- F. Legal nonconforming use of a portion of the structure extended throughout the structure (ZA);
- G. Legal nonconforming use changed to a use of a similar or more restricted nature;
- H. Bed and breakfast facilities, pursuant to Section 21.64.100;
- I. Commercial and noncommercial wind energy conversion systems;
- J. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- K. Ridgeline development;
- L. Conversion of uncultivated land to cultivated agricultural use on land with fifteen (15) percent—twenty-five (25) percent slopes ( North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan, only);
- ~~M. Farm worker family housing facility;[Repealed];~~
- ~~N. Farm employee housing facility for more than two families or no more than five single persons;[Repealed];~~
- O. Keeping and raising of mink (ZA);
- P. Any building, structure, or enclosure for the purpose of maintaining a zoo or zoological garden or for the purpose of raising, maintaining or exhibiting any wild animal or animals;
- Q. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections;
- R. Removal of minerals and natural materials for commercial purposes;
- S. Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding ten (10) days and not involving construction of permanent facilities (ZA);
- T. Accessory structures and uses prior to establishment of main use or structure (ZA);
- U. Large family day care facilities (ZA);
- V. Cottage industries, pursuant to Section 21.64.095 (ZA);
- W. The exploration for and the removal of oil and gas (ZA);
- X. Other uses of a similar character, density and intensity to those uses listed in this Section;
- Y. Public stables on a minimum of ten (10) acres (ZA);
- Z. Mobile home parks, pursuant to Section 21.64.210;
- AA. Wireless communications facilities, pursuant to Section 21.64.310;
- ~~BB. Large Residential Care Facility (ZA);~~
- ~~CC. Supportive Housing, contained within the housing types of this Section;~~
- ~~DD. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section.~~

## **[21.16 – Rural-Density Residential Zone]\*\***

SECTION 32. Section 21.16.030 of the Monterey County Code is amended to read as follows:

### **21.16.030 Uses Allowed.**

- A. The first single family dwelling per lot;
- B. Guesthouses meeting the development standards of Section 21.64.020;
- C. The keeping of pets;



- D. Rooming and boarding of not more than two persons;
- E. Non-habitable accessory structures and accessory uses to any permitted use;
- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Cultivation, cutting and removal of Christmas trees;
- H. Small family day care home;
- I. ~~Small Residential Care Facility; Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;~~
- J. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning;
- K. Animal husbandry and small livestock farming; provided that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand (20,000) square feet of land area;
- L. All agricultural uses on a minimum of ten (10) acres including crop and tree farming, livestock farming, animal husbandry, apiaries, aviaries, except for those uses requiring an Administrative or Use Permit;
- M. Home occupations, pursuant to Section 21.64.090;
- N. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving and where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- O. Single family dwellings not exceeding three in total on a minimum of ten (10) acres for an owner, operator or employees employed on the site;
- P. Crop farming, tree farming, viticulture and horticulture;
- Q. Other uses of a similar character, density and intensity to those listed in this Section;
- R. Intermittent livestock farming or animal husbandry such as "4-H" projects;
- S. Accessory Dwelling Unit meeting the development standards of Section 21.64.030;
- T. Employee Housing providing accommodations for up to six employees;
- U. Supportive Housing; contained within a dwelling unit if the dwelling unit is an allowed use under this section;
- V. Transitional Housing or Transitional Housing Development; contained within a dwelling unit if the dwelling unit is an allowed use under this section;

SECTION 33. Section 21.16.040 of the Monterey County Code is amended to read as follows:

**21.16.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- A. ~~Senior citizen units meeting the development standards of Section 21.64.010; [Repealed];~~
- B. Tract sales or rental offices;
- C. ~~Caretaker unit meeting the development standards of Section 21.64.030; [Repealed];~~
- D. ~~Farm employee housing facility for not more than two families or more than five single persons; [Repealed];~~
- E. Second residential unit not exceeding the zoning density of the property;

- F. Reduction in setback requirements provided the proposed reduction is ten (10) percent or less of the required setbacks;
- G. Small water system facilities including wells and storage tanks of five to fourteen (14) service connections;
- H. Reserved;
- I. Other uses of a similar character, density and intensity to those listed in this Section;
- J. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.
- ~~K. Supportive Housing, contained within the housing types of this Section;~~
- ~~L. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section.~~

SECTION 34. Section 21.16.050 of the Monterey County Code is amended to read as follows:

**21.16.050 Uses Allowed, Use Permit Required In Each Case. (Chapter 21.74)**

- A. Additional residential units to a maximum of four on any lot, and not exceeding the zoning density of the property;
- B. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools public safety facilities, schools, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;
- C. Country clubs;
- D. Golf courses;
- E. Commercial kennel (ZA);
- F. Public stables on a minimum of ten (10) acres (ZA);
- G. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- H. Legal nonconforming use changed to a use of a similar or more restricted nature;
- I. Bed and breakfast facilities, pursuant to Section 21.64.100;
- J. Commercial and noncommercial wind energy conversion systems;
- K. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- L. Ridgeline development;
- M. Conversion of uncultivated land to cultivated agricultural use on land with fifteen (15) percent - twenty-five (25) percent slopes (North County Area Plan, Cachagua Area Plan, Central Salinas Valley Area Plan, only);
- N. Agricultural support services (ZA);
- ~~O. Farm worker family housing facility; [Repealed];~~
- ~~P. Farm employee housing facility for more than two families or no more than five single persons; [Repealed];~~
- Q. Keeping and raising of mink (ZA);
- R. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections;
- S. Removal of minerals and natural materials for commercial purposes;
- T. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten (10) days and not involving construction of permanent facilities (ZA);

- U. Accessory structures and uses prior to establishment of main use or structure (ZA);
- V. Large family day care facilities (ZA);
- W. Agricultural processing plants (ZA);
- X. Frog farms (ZA);
- Y. Commercial hog and turkey raising on a minimum of ten (10) acres (ZA);
- Z. Livestock feed yards on a minimum of twenty (20) acres (ZA);
- AA. Animal sales yards on a minimum of ten (10) acres (ZA);
- BB. Dairies on a minimum of forty (40) acres (ZA);
- CC. Airports, heliports or landing strips for aircraft;
- DD. Animal hospitals (ZA);
- EE. Poultry farms on a minimum of five acres (ZA);
- FF. Sale of hay and grain not grown on the premises, on a minimum of five acres (ZA);
- GG. Riding and roping arena operations (ZA);
- HH. Other uses of a similar nature, intensity and density as those listed in this Section;
- II. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- JJ. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving (ZA);
- KK. Cottage industries, pursuant to Section 21.64.095 (ZA);
- LL. The exploration for and the removal of oil and gas (ZA);
- MM. Mobile home parks, pursuant to Section 21.64.210.
- NN. Wireless communications facilities, pursuant to Section 21.64.310.
- OO. Large Residential Care Facility (ZA);
- PP. Supportive Housing, contained within the housing types of this Section;
- QQ. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section.

### [21.30 – Farmlands Zone]\*\*

SECTION 35. Section 21.30.030 of the Monterey County Code is amended to read as follows:

#### 21.30.030 Uses Allowed.

- A. Except for those uses requiring an Administrative Permit or Use Permit, all soil dependent agricultural uses, including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards;
- B. Single family dwellings accessory to the agricultural use of the property, not exceeding three in total, for an owner, operator or employees employed on-site;
- C. All non-habitable accessory structures such as barns, stables, storage structures, and farm shops;
- D. Guesthouses meeting the development standards of Section 21.64.020;
- E. Cultivation, cutting or removal of Christmas trees;
- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Small family day care homes;

- H. Small Residential Care Facility, subject to the same standards as a single family dwelling. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- I. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. Service connections do not include livestock watering facilities;
- J. Rooming and boarding of not more than two persons;
- K. Hunting and fishing;
- L. Reserved;
- M. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving;
- N. Home occupations, pursuant to Section 21.64.090;
- O. The keeping of pets;
- P. Other uses of a similar character, density and intensity to those listed in this Section;
- Q. Agricultural employee housing consisting of not more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

SECTION 36. Section 21.30.040 of the Monterey County Code is amended to read as follows:

**21.30.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- A. ~~Senior citizen units meeting the development standards of Section 21.64.010; [Repealed];~~
- B. Small water system facilities including wells and storage tanks of five to fourteen (14) service connections;
- C. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- D. Other uses of a similar character, density and intensity to those listed in this Section;
- E. ~~Farm employee housing facility for not more than five families or twelve (12) single persons; [Repealed];~~
- F. Reduction in setback requirements for main structures, provided the proposed reduction is ten (10) percent or less of the required setback;
- G. Reduction in setback requirements for accessory structures, provided the proposed reduction is eighty (80) percent or less of the proposed setback;
- H. Additions to existing approved wireless communications facilities, pursuant to Section 21.64.310;

SECTION 37. Section 21.30.050 of the Monterey County Code is amended to read as follows:

**21.30.050 Uses Allowed, Use Permit Required In Each Case. (Chapter 21.74)**

- A. Conversion of uncultivated land to cultivated agricultural use on land with fifteen (15) percent—twenty-five (25) percent slopes ( North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan, only);
- B. Public and quasi-public uses including churches, parks, playgrounds, schools public safety facilities, schools, public utilities, but not including uses such as jails, detention facilities, rehabilitation centers or corporation yards;
- C. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- D. Legal nonconforming use changed to a use of a similar or more restricted nature;
- E. Commercial and noncommercial wind energy conversion systems;
- F. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- G. Genetic Engineering Experiments, pursuant to Section 21.64.140;
- H. Ridgeline Development;
- I. Agricultural support facilities (ZA);
- J. Large family day care facilities (ZA);
- K. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections (ZA);
- L. Removal of minerals or natural materials for commercial purposes;
- M. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten (10) days and not involving construction of permanent facilities (ZA);
- N. Agricultural processing plants (ZA);
- O. Frog farms (ZA);
- P. Commercial hog and turkey raising on a minimum of ten (10) acres (ZA);
- Q. Livestock feed yards on a minimum of twenty (20) acres (ZA);
- R. Animal sales yards on a minimum of ten (10) acres (ZA);
- S. Dairies on a minimum of forty (40) acres (ZA);
- T. Airports, heliports or landing strips for aircraft;
- U. Animal hospitals (ZA);
- V. Poultry farms on a minimum of five acres (ZA);
- W. Other uses of a similar character, density and intensity to those uses listed in this Section;
- X. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- Y. Commercial kennel (ZA);
- Z. ~~Farm worker housing facility;~~[Repealed]
- AA. ~~Farm-Agricultural employee housing consisting of facility for more than five families or more than twelve (12) single persons 37 or more beds in a group quarters or 13 or more units or spaces designed for use by a single family or household;~~
- BB. Bed and breakfast facility, pursuant to Section 21.64.100;
- CC. Cottage industries, pursuant to Section 21.64.095 (ZA);
- DD. Non-soil dependent greenhouses and nurseries (ZA);
- EE. The exploration for and the removal of oil and gas (ZA);
- FF. The division of property to create a one acre minimum lot to accommodate housing for members of the immediate family of the property owner who earn their livelihood from the agricultural use of the family land immediately contiguous to the lot being created by the subdivision.
- GG. ~~Farm worker- Agricultural employee parking facilities (ZA);~~
- HH. Farm equipment storage facilities (ZA);

II. Wireless communications facilities, pursuant to Section 21.64.310.

**[21.32 – Rural Grazing Zone]\*\***

SECTION 38. Section 21.32.030 of the Monterey County Code is amended to read as follows:

**21.32.030 Uses Allowed.**

- A. Except for those uses requiring an Administrative Permit or Use Permit, all soil dependent agricultural uses including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards;
- B. Single family dwellings accessory to the agricultural use of the property, not exceeding three in total, for an owner, operator or employees employed on-site;
- C. All necessary, appurtenant non-habitable accessory structures such as barns, stables, storage structures and farm shops;
- D. guesthouses meeting the development standards of Section 21.64.020;
- E. Cultivation, cutting or removal of Christmas trees;
- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Small Residential Care Facility, subject to the same standards as a single family dwelling~~Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;~~
- H. Small family day care homes;
- I. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. Service connections do not include livestock watering facilities;
- J. Rooming and boarding of not more than two persons;
- K. The keeping of pets;
- L. Reserved;
- M. Home occupations, pursuant to Section 21.64.090;
- N. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving;
- O. Other uses of a similar character, density and intensity to those listed in this Section;
- P. Hunting and fishing;
- Q. Agricultural employee housing consisting of not more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

SECTION 39. Section 21.32.040 of the Monterey County Code is amended to read as follows:

**21.32.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- A. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- B. ~~Senior citizen units meeting the development standards of Section 21.64.010; [Repealed];~~
- C. Small water system facilities including wells and storage tanks of five to fourteen (14) service connections;
- D. Other uses of a similar character, density and intensity to those listed in this Section;
- E. [Repealed];
- F. Reduction in setback requirements for main structures, provided the proposed reduction is ten (10) percent or less of the required setback;
- G. Reduction in setback requirements for accessory structures, provided the proposed reduction is eighty (80) percent or less of the required setback;
- H. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

SECTION 40. Section 21.32.050 of the Monterey County Code is amended to read as follows:

**21.32.050 Uses Allowed, Use Permit Required In Each Case. (Chapter 21.74)**

- A. Conversion of uncultivated land to cultivated agricultural use on land with fifteen (15) percent—twenty-five (25) percent slopes ( North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan, only);
- B. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, schools, public utilities, but not including uses such as jails, detention facilities, rehabilitation centers, or corporation yards;
- C. Commercial and noncommercial wind energy conversion systems;
- D. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- E. Genetic Engineering Experiments, pursuant to Chapter 21.64.140;
- F. Ridgeline development;
- G. Agricultural support facilities (ZA);
- H. Large family day care homes (ZA);
- I. Keeping and raising of mink (ZA);
- J. Any building, structure, or enclosure for the purpose of maintaining a zoo or zoological garden for the purpose of raising, maintaining or exhibiting any wild animal or animals;
- K. Removal of minerals or natural materials for commercial purposes;
- L. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten (10) days and not involving construction of permanent facilities (ZA);
- M. Agricultural processing plants (ZA);
- N. Commercial hog and turkey raising on a minimum of ten (10) acres (ZA);
- O. Livestock feed yards on a minimum of twenty (20) acres (ZA);
- P. Animal sales yards on a minimum of ten (10) acres (ZA);
- Q. Dairies on a minimum of forty (40) acres (ZA);
- R. Airports, heliports or landing strips for aircraft (ZA);
- S. Poultry farms on a minimum of five acres (ZA);

- T. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections (ZA);
- U. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- V. Legal nonconforming use changed to a use of a similar or more restricted nature;
- W. Other uses of a similar character, density and intensity to those uses listed in this Section;
- X. Hunting and fishing facilities (ZA);
- Y. Public or private rifle and pistol ranges, trap or skeet fields, archery ranges or other similar use (ZA);
- Z. Public or private riding or hiking clubs with accessory structures and trails developed for such use (ZA);
- AA. Commercial kennel (ZA);
- BB. ~~Farm worker housing facility;~~[Repealed];
- CC. Agricultural employee housing consisting of 37 or more beds in a group quarters or 13 or more units or spaces designed for use by a single family or household;
- DD. Bed and breakfast facility, pursuant to Section 21.64.100;
- EE. Cottage industries, pursuant to Section 21.64.095 (ZA);
- FF. Non soil dependent nurseries and greenhouses.
- GG. The exploration for and the removal of oil and gas (ZA);
- HH. ~~Farm worker~~ Agricultural Employee parking facilities (ZA);
- II. Wireless communications facilities, pursuant to Section 21.64.310;
- JJ. Farm equipment storage facilities (ZA);

### **[21.34 – Permanent Grazing Zone]\*\***

SECTION 41. Section 21.34.030 of the Monterey County Code is amended to read as follows:

#### **21.34.030 Uses Allowed.**

- A. Except for those uses requiring an Administrative Permit or Use Permit, all soil dependent agricultural uses including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards;
- B. Single family dwellings accessory to the agricultural use of the property, not exceeding three in total, for an owner, operator or employees employed on-site;
- C. All non-habitable accessory structures such as barns, stables, storage structures and farm shops;
- D. Guesthouses meeting the development standards of Chapter 21.64.020 (Special Regulations);
- E. Cultivation, cutting or removal of Christmas trees;
- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Small Residential Care Facility, subject to the same standards as a single family dwelling;  
~~Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;~~
- H. Small family day care homes;



- I. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. Service connections do not include livestock watering facilities;
- J. Rooming and boarding of not more than two persons;
- K. Hunting and fishing;
- L. Home occupations, pursuant to Section 21.64.090;
- M. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- N. The keeping of pets;
- O. Other uses of a similar character, density and intensity to those listed in this Section;
- P. Agricultural employee housing consisting of not more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

SECTION 42. Section 21.34.040 of the Monterey County Code is amended to read as follows:

**21.34.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- ~~A. Senior citizen units meeting the development standards of Section 21.64.010; [Repealed];~~
- B. Small water system facilities including wells and storage tanks of five to fourteen (14) service connections;
- ~~C. Farm employee housing facility for not more than five families or twelve (12) single persons; [Repealed];~~
- D. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving;
- E. Other uses of a similar character, density and intensity to those listed in this Section;
- F. Reduction in setback requirements for main structures, provided the proposed reduction is ten (10) percent or less of the required setback;
- G. Reduction in setback requirements for accessory structures, provided the proposed reduction is eighty (80) percent or less of the required setback.
- H. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

SECTION 43. Section 21.34.050 of the Monterey County Code is amended to read as follows:

**21.34.050 Uses Allowed, Use Permit Required In Each Case. (Chapter 21.74)**

- A. Commercial hog and turkey raising (ZA);
- B. Dairies (ZA);
- C. Airports, heliports, or landing strips for aircraft (ZA);

- D. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, schools, public utilities, but not including uses such as jails, detention facilities, rehabilitation centers or corporation yards;
- E. Large animal hospitals (ZA);
- F. Poultry farms (ZA);
- G. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- H. Legal nonconforming use changed to a use of a similar or more restricted nature;
- I. Commercial and noncommercial wind energy conservation system;
- J. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- K. Genetic engineering experiments, pursuant to Chapter 21.64.140;
- L. Ridgeline development;
- M. Conversion of uncultivated land to cultivated agricultural use on land with fifteen (15) percent - twenty-five (25) percent slopes ( North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan, only);
- N. Agricultural support facilities (ZA);
- O. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections;
- P. The division of property to create a one-acre minimum lot to accommodate housing for members of the immediate family of the property owner who earn their livelihood from agricultural use of the family land immediately contiguous to the lot being created by the subdivision;
- Q. Large family day care homes (ZA);
- R. Agricultural processing plants (ZA);
- S. Hunting and fishing facilities (ZA);
- T. Public or private rifle and pistol ranges, trap or skeet fields, archery ranges or other similar uses (ZA);
- U. Public or private riding or hiking clubs with accessory structures and trails developed for such use (ZA);
- V. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- W. Commercial kennel (ZA);
- X. Other uses of a similar character, density and intensity to those uses listed in this Section;
- Y. Removal of minerals and natural materials for commercial purposes;
- Z. ~~Farm workers housing facility;[Repealed];~~
- AA. ~~Farm Agricultural employee housing consisting of facility for more than five families or more than twelve single persons-37 or more beds in a group quarters or 13 or more units or spaces designed for use by a single family or household;~~
- BB. Bed and breakfast facility, pursuant to Section 21.64.100;
- CC. Cottage industries, pursuant to Section 21.64.095 (ZA);
- DD. Non-soil dependent nurseries and greenhouses (ZA);
- EE. The exploration for and the removal of oil and gas (ZA);
- FF. ~~Farm worker Agricultural employee parking facilities (ZA);~~
- GG. Wireless communications facilities, pursuant to Section 21.64.310.

**[21.36 – Resource Conservation Zone]\*\***

SECTION 44. Section 21.36.030 of the Monterey County Code is amended to read as follows:

**21.36.030 Uses Allowed.**

- A. One single family dwelling per lot;
- B. Guesthouses meeting the development standards of Chapter 21.64.020;
- C. The keeping of pets;
- D. Rooming and boarding of not more than two persons;
- E. Non-habitable accessory structures and accessory uses to any permitted use;
- F. Cultivation, cutting or removal of Christmas trees;
- G. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- H. Small family day care facilities;
- I. Small Residential Care Facility; Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- J. Animal husbandry and small livestock farming, on lots less than ten (10) acres provided not more than one horse, mule, cow, steer or similar livestock may be kept for each twenty thousand (20,000) square feet of land area;
- K. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created;
- L. On lots of ten (10) acres or more, except for those uses requiring an Administrative Permit or Use Permit, all soil dependent agricultural uses including crop and tree farming, livestock farming, greenhouses and vineyards;
- M. Home occupations, pursuant to Section 21.64.090;
- N. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- O. Farm shops;
- P. Hunting and fishing;
- Q. Other uses of a similar character, density and intensity to those listed in this Section;
- R. Intermittent livestock farming or animal husbandry such as "4-H" projects.
- S. Supportive Housing; contained within the housing types of this Section;
- T. Transitional Housing or Transitional Housing Development; contained within the housing types of this Section;
- U. Employee Housing providing accommodations for up to six employees;

SECTION 45. Section 21.36.040 of the Monterey County Code is amended to read as follows:

**21.36.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- A. ~~Senior citizen units meeting the development standards of Section 21.64.010; [Repealed];~~

- B. ~~Caretaker unit meeting the development standards of Section 21.64.030; Accessory Dwelling Unit meeting the development standards of Section 21.64.030;~~
- C. Second residential unit meeting the density limit of the district;
- D. ~~Farm employee housing facility for not more than five families or twelve (12) single persons; [Repealed];~~
- E. Small water system facilities and systems of five to fourteen (14) services;
- F. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving;
- G. Reserved;
- H. Other uses of a similar character, density and intensity to those listed in this Section;
- I. Reduction in setback requirements for accessory structure, provided the proposed reduction is ten (10) percent or less of the required setback;
- J. Reduction in setback requirements for accessory structures, provided the proposed reduction is eighty (80) percent or less of the required setback.
- K. ~~Supportive Housing, contained within the housing types of this Section;~~
- L. ~~Transitional Housing or Transitional Housing Development, contained within the housing types of this Section;~~

SECTION 46. Section 21.36.050 of the Monterey County Code is amended to read as follows:

**21.36.050 Uses Allowed - Use Permit Required In Each Case. (Chapter 21.74)**

- A. Additional residential units to a maximum of four units per lot not exceeding the zoning density of the property;
- B. Public and quasi-public uses including churches, parks, playgrounds, schools public safety facilities, public utility facilities, but not including jails, detention facilities, rehabilitation centers or corporation yards;
- C. Commercial kennel (ZA);
- D. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- E. Legal nonconforming use changed to a use of a similar or more restricted nature;
- F. Commercial and noncommercial wind energy conversion systems;
- G. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- H. Ridgeline development;
- I. Conversion of uncultivated land to cultivated agricultural use on land with fifteen (15) percent - twenty-five (25) percent slopes ( North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan only);
- J. Agricultural support facilities (ZA);
- K. Country clubs;
- L. Keeping and raising of mink (ZA);
- M. Removal of minerals, or natural materials for commercial purposes;
- N. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten (10) days and not involving construction of permanent facilities (ZA);
- O. Accessory structures and uses prior to establishment of main use or structure (ZA);
- P. Golf courses;
- Q. Dairies on a minimum of forty (40) acres (ZA);

- R. Poultry farms on a minimum of five acres (ZA);
- S. Sale of hay and grain not grown on the premises on a minimum of five acres (ZA);
- T. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections (ZA);
- U. Large family day care homes (ZA);
- V. Other uses of a similar character, density and intensity to those uses listed in this Section;
- W. Hunting and fishing facilities (ZA);
- X. Public or private rifle and pistol ranges, trap or skeet fields, archery ranges or other similar uses (ZA);
- Y. Public or private riding or hiking clubs with accessory structures and trails developed for such use (ZA);
- Z. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- ~~AA. Farm worker housing facility; [Repealed];~~
- ~~BB. Farm Agricultural employee housing consisting of facility for more than five families or more than twelve single persons 37 or more beds in a group quarters or 13 or more units or spaces designed for use by a single family or household;~~
- CC. Bed and breakfast facility, pursuant to Section 21.64.100;
- DD. Cottage industries, pursuant to Section 21.64.095 (ZA);
- EE. Non-soil dependent nurseries and greenhouses (ZA);
- FF. The exploration for and the removal of oil and gas (ZA);
- GG. Wireless communications facilities, pursuant to Section 21.64.310.
- ~~HH. Supportive Housing; contained within the housing types of this Section;~~
- ~~II. Transitional Housing or Transitional Housing Development; contained within the housing types of this Section;~~

### **[21.39 – Community Plan Zone]\*\***

SECTION 47. Section 21.39.030 of the Monterey County Code is amended read as follows:

#### **21.39.030 - Uses Allowed.**

- A. Uses allowed within the “CP” district are those uses for which the Community Plan specifically provides.
- B. Other uses allowed by this Title may be considered provided:
  - 1. Such uses are not inconsistent or incompatible with the Community Plan; and
  - 2. Such uses comply with all the requirements and standards of this Title.
- ~~C. Single Room Occupancy Facilities pursuant to Section 21.64.33 may be considered within areas designated by a Community Plan as Mixed Use or High Density Residential subject to approval of a Use Permit (ZA).~~
- ~~D. Homeless Shelter, pursuant to Section 21.64.320 is an allowed use within areas designated by a Community Plan as Mixed Use or High Density Residential.~~
- ~~E. Small Residential Care Facility is an allowed use within areas designated by a Community Plan as Low Density Residential, Medium Density Residential, High Density Residential, Mixed Density Residential or Mixed Use.~~

- F. A Large Residential Care Facility may be considered, subject to a Use Permit in each case, within areas designated by a Community Plan as Low Density Residential, Medium Density Residential, High Density Residential, Mixed Density Residential or Mixed Use.
- G. Employee Housing providing accommodations for up to six employees is an allowed use within areas designated by a Community Plan as Low Density Residential, Medium Density Residential, High Density Residential, Mixed Density Residential or Mixed Use.
- H. Supportive Housing, contained within the housing types of this Section, pursuant to those permitting requirements of the specific housing type;
- J. Transitional Housing or Transitional Housing Development contained within the housing types of this Section, pursuant to those permitting requirements of the specific housing type.

**[21.58 – Parking]\*\***

SECTION 48. Section 21.58.040 of the Monterey County Code is amended to read as follows:

**21.58.040 – Parking spaces required.**

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

Use	Parking Spaces Required
Agricultural Processing Plant	1 space/500 square feet
Amusement Park	1 space/4 occupant
Appliance Repair	1 space/500 square feet
Art Gallery	1 space/200 square feet
Auditorium	1 space/4 seat. If no fixed seating, 1 space/35 square feet
Automobile Repair	1 space/500 square feet of floor area
Automobile Sales	1 space/500 square feet of floor area plus 1 space/2,000 square feet outdoor sales, display or storage area
Automobile Services Station	1 space/500 square feet floor area
Bank	1 space/ 200 square feet
Bar, Lounge, Night Club,	1 space/ 3 seats.
Cocktail Lounge	Where seating is not fixed, 1 space 50 square feet
Barber Shop, Beauty Parlor	2 spaces/chair
Baseball Park	1 space/4 seats
Bed and Breakfast Facility	1 space/unit
Billiard Hall	2 spaces/table
Bowling alley	5 spaces/lane
Building Materials	1 space/500 square fee floor area plus 1 space/2000 square feet outdoor use area
Bus Depot	1 space/20 square feet waiting area plus 1 space/300 square feet office area

Cabinet Shop	1 space/500 square feet
Caretaker Unit	1 space/unit
Children's Home, Orphanage	1 space/4 seats. If no fixed seating, 1 space/35 square feet
Church	1 space/4 seat. If no fixed seating, 1 space/35 square feet
Cleaners	2 space plus spaces/1,000 square feet
Community Center	1 space/4 seats. If no fixed seating, 1 spaces/35 square feet
Contractor's Yard	1 space/ 3,000 square feet lot area
Convalescent Home, Nursing Home, Rest Home, Home for the Aged	1 space/3 beds
Convention Center, Meeting Hall, Exhibit Facility	1 space /4 seats or 1 apace/ 50 square feet
Dance Hall	1 space/50 square feet
Dental Clinic/Office	1 space/200 square feet
Driving Range	1 space/tee
Equipment Rental	1 space/500 square feet floor area plus 1 space/2,000 square feet outdoor use area
Family Day Care Facility	1 space/employed plus 1 space/10 children
<u>Farm Labor Housing Agricultural Employee Housing</u>	<u>1space/bedroom dwelling unit or 1 space/4 beds</u>
Flea Market/Open Air Sales	1 space/200 square feet sales area
Freight Terminals	2 spaces/loading bay plus 1 space/250 square feet office space
Funeral Home, Mortuary	1 space/4 seats. If no fixed seating, 1 space/356 square feet
Golf Course	4 space/hole
Guesthouse	1 space/unit
Gymnasium, Spa, Health Studio	1 space/50 square feet
Heating, Air Conditioning, Electrical Shop	1 space/500 square feet
<u>Homeless Shelter</u>	<u>1 space/employee and 1 space/6 beds or portion thereof</u>
Hospital	12 spaces/bed
Hotel	1 space/unit plus 2 spaces/3 employees on largest shift plus other applicable requirement (i.e. restaurant, lounge, etc.)
Industrial Office	1 space/300 square feet
Laboratory	1 space/250 square feet
Library	1 space/200 square feet
Manufacturing	1 space/500 square feet
Marina	3 spaces/4 boat slips
Medical Clinic/Office	1 space/200 square feet

Miniature Golf	2 spaces/hole
Mini-Storage	2 spaces for manager plus 2 customer spaces
Motel	2 spaces for manager plus 1 space/unit
Museum	1 space/200 square feet
Nursery	1 space/2,000 square feet
Office	1 space/250 square feet
Open Air Sales	1 space/200 square feet sales area
Photography Studio	1 space/400 square feet
Post Office	5 spaces/services window plus 1 space/500 square feet of non-customer area
Printer, Copying, Reproduction	1 space/400 square feet
Race Track	1 space/4 seats
Recreational Enterprises	1 space/4 occupants capacity
Recreational Vehicle Park	1 standard vehicle space/1 R.V. space
Residential	
Single-Family Detached	2 spaces /unit
<u>Accessory Dwelling Unit</u>	1 space/unit
Duplex	2 spaces/unit
Triplex	2 spaces/unit
Multiple-Family Residential,	1 space/studio unit
Apartments, Townhouses,	1.5 spaces/1 bedroom unit
Condominiums, Cluster Homes	2 spaces/2 bedroom unit
	2.2 spaces/3 or more bedroom unit
	In addition, 1 guest parking space shall be provided for every 4 units
Boarding House, Rooming	1 space/guest room
House, Organizational	1 space/100 sq. ft. of guest room
<u>Large Residential Care Facility</u>	1 space/employee plus 2 additional spaces
<u>Senior Citizen Housing complexes</u>	1 space/2 units plus 1 guest space/8 units
<u>Single Room Occupancy Facility</u>	.5 spaces/unit (Within 2,000 feet of Public Transit)
<u>Single Room Occupancy Facility</u>	1 space/unit (Not within 2,000 feet of Public Transit)
Handicapped Housing	1 space/2 units plus 1 guest space/8 units
Mobile Home Park	2 spaces/unit plus 1 guest parking space/4 units
Restaurant	1 space/4 seats. Where seating is not fixed, 1 space/50 square feet of seating, waiting, or cocktail lounge area
Restaurant, Drive-In	1 space/3 seats enclosed plus 3 and Drive-Through spaces/ services window and 3 employee spaces
Retail, General	1 space/250 square feet
Retail, Large Item	1 space/500 square feet (i.e. Appliance Stores)



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

**[21.61 – New Chapter- Reasonable Accommodation]\*\***

SECTION 49. Chapter 21.61 is added to the Monterey County Code to read as follows:

**Chapter 21.61  
REQUESTS FOR REASONABLE ACCOMMODATION**

**Sections:**

- 21.61.010 Purpose.**
- 21.61.020 Applicability.**
- 21.61.030 Appropriate Authority.**
- 21.61.040 Application.**
- 21.61.050 Action by Appropriate Authority.**
- 21.61.060 Revocation.**
- 21.61.070 Effect.**

**21.61.010 Purpose.**

The purpose of this Chapter is to provide a procedure for the County to modify or waive requirements of this Title in order to provide a reasonable accommodation to individuals with a disability if necessary to eliminate barriers to housing opportunities.

**21.61.020      Applicability.**

A. The provisions of this Chapter shall apply to all housing types in any zoning district within the unincorporated non-coastal areas of the County.

B. This Chapter is intended to apply to any person who requires a reasonable accommodation because of a disability.

C. A Request for Reasonable Accommodation may include, but is not limited to, a modification or exception to the rules, standards and practices of this Title for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of his or her choice.

**21.61.030      Appropriate Authority.**

The Director of Planning is the Appropriate Authority to review and decide on all Requests for Reasonable Accommodation, unless said Request for Reasonable Accommodation is combined with another permit pursuant to Chapter 21.76 (Combined Development Permits) of this Title.

**21.61.040      Application.**

A. A Request for Reasonable Accommodation may be made by any person with a disability, his or her representative, or any entity such as a developer or provider of housing for individuals with disabilities, when the application of this Title acts as a barrier to fair housing opportunities.

B. A Request for a Reasonable Accommodation shall be made in writing on a form prescribed by the Director of Planning and filed with the Director of Planning and shall contain the following information:

1. Name, mailing address, contact information of individual(s) requesting Reasonable Accommodation;
2. Name, mailing address, contact information of property owner;
3. Physical address and Assessor's Parcel Number of the property for which the Reasonable Accommodation is requested;
4. The current actual use of the property;
5. A statement setting forth the basis for the request, including verifiable third-party documentation of disability status.
6. The zoning code regulation from which Reasonable Accommodation is being requested; and

7. Reason that the requested Reasonable Accommodation is necessary for the individual(s) with the disability to use and enjoy the dwelling.
8. Any such additional information as the Director of Planning may request consistent with fair housing laws to evaluate the Request for Reasonable Accommodation.

**21.61.050 Action by Appropriate Authority.**

A. A decision by the Appropriate Authority for a Reasonable Accommodation, not combined with another permit pursuant to Chapter 21.76 (Combined Development Permits) of this Title, shall be rendered in writing within thirty (30) days of the date the application is filed. If necessary to reach a determination on the request for Reasonable Accommodation, the Appropriate Authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stopped until the applicant provides the information requested.

B. A decision by the Appropriate Authority for a Reasonable Accommodation combined with another permit pursuant to Chapter 21.76 (Combined Development Permits) shall have the same timeline for a decision rendered by the Appropriate Authority as that of the concurrent discretionary permit.

C. The Appropriate Authority in its consideration of a request for Reasonable Accommodation may grant, deny, or modify, in whole or in part, said accommodation, subject to making the following findings based on substantial evidence:

1. The housing, which is the subject of the Request for Reasonable Accommodation, will be used by an individual(s) with a disability protected under fair housing laws;
2. The requested accommodation is necessary to make housing available to an individual with a disability protected under the fair housing laws;
3. The requested accommodation would not impose an undue financial or administrative burden on the County;
4. The requested accommodation would not require a fundamental alteration in the nature of the County's land use and zoning;
5. The Reasonable Accommodation would not negatively impact property;
6. Alternative accommodations which may provide an equivalent level of benefit do not exist.

D. If granted, the Reasonable Accommodation shall run with the land, unless the Appropriate Authority determines at the time of granting that Reasonable Accommodation that the accommodation- should be of a temporary nature and requires that it be removed at a specified time or event.

E. In granting a request for Reasonable Accommodation, the Appropriate Authority may impose any conditions of approval which he or she determines are reasonable and necessary to make the findings required by Section 21.61.050.C.

F. Notwithstanding Section 21.84.120, if there is an outstanding violation of this Title involving the property upon which there is a pending Request for Reasonable Accommodation, the County may issue a Reasonable Accommodation, not associated with a discretionary permit, if necessary to provide an individual with a disability fair housing opportunities in compliance with this Section and provided that the existing violation does not pose a risk to health and safety. The granting of the Reasonable Accommodation does not preclude the County from pursuing resolution of the violation, including code enforcement action.

G. An appeal to the Board of Supervisors from the action of the Appropriate Authority, may be taken by the applicant if the Request for Reasonable Accommodation was not combined with another permit. If the Request for Reasonable Accommodation was combined with another permit pursuant to Chapter 21.76 (Combined Development Permit), then an appeal may be taken pursuant to the requirements for appeals of actions on Combined Development Permits.

#### **21.61.060 Revocation.**

A. Where one or more of the conditions of a Reasonable Accommodation have not been, or are not being complied with, or when a Reasonable Accommodation was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Appropriate Authority may revoke or modify the Reasonable Accommodation following public hearing pursuant to Chapter 21.78 of this Title.

B. An appeal may be taken from such revocation or modification pursuant to Chapter 21.80.

#### **21.71.070 Effect.**

No building permit shall be issued nor any structure constructed otherwise than in accordance with the conditions and terms of the Reasonable Accommodation granted, nor until ten days after the mailing of notice of granting of such Reasonable Accommodation by the Appropriate Authority, or by the Appeal Authority in the event of an appeal.

#### **[21.64.010 –Section to be repealed-Senior Citizen Units]\*\***

SECTION 50. Section 21.64.010 of the Monterey County Code is repealed.

**21.64.010 – [Repealed].Regulations for senior citizen units.**

- ~~A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which certain ancillary housing units may be developed on residential lots multiple residential units may not otherwise have been permitted.~~
- ~~B. Applicability: The provisions of this Section are applicable in all zoning districts which allow single family residences.~~
- ~~C. Regulations: A senior citizen unit shall be allowed on any lot or parcel in any zoning district (unless combined with a "B-8" District) that allows single family dwellings, subject to an Administrative Permit in each case, and subject to the following regulations:~~
- ~~1. An attached senior citizen unit shall not exceed seven hundred (700) square feet. A detached senior citizen unit shall not exceed eight hundred fifty (850) square feet.~~
  - ~~2. The senior citizen unit shall not be occupied by more than two persons, one of whom shall be sixty (60) years of age or handicapped.~~
  - ~~3. Not more than one senior citizen unit shall be permitted on any lot or parcel.~~
  - ~~4. The senior citizen unit shall conform with all of the zoning and development standards (lot coverage, height, setbacks, design, etc.) of the zoning district which governs the lot. A senior citizen unit attached to the principal residence shall be subject to the height, setback and coverage regulations of the principal residence. A senior citizen unit detached fro principal dwelling shall be treated as a habitable accessory structure in regard to height, and setbacks.~~
  - ~~5. The senior citizen unit shall be designed in such a manner as to be visually consistent and compatible with the principal residence on-site and other residences in the area.~~
  - ~~6. One usable and accessible parking space shall be provided in addition to the parking required for the other uses on-site. Any garage or carport constructed in connection with the senior citizen unit is not considered part of the area of the unit, but is considered in the overall lot coverage.~~
  - ~~7. In areas not served by public sewer systems, senior citizen units shall not be permitted on lots of less than two acres.~~
  - ~~8. Senior citizen units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.~~
  - ~~9. Senior citizen units are not permitted on any lot less than ten (10) acres where a guesthouse or a caretaker unit already exists. Such existing units may be converted to a senior citizen unit, subject to an Administrative Permit.~~

~~10. Subsequent subdivisions which divide the main residence from a senior citizen unit shall not be permitted except where created meet minimum lot size and density requirements of the existing zoning.~~

~~11. Prior to the issuance of a building permit the applicant shall record a deed restriction as a condition of project approval stating the regulations applicable to the senior citizen unit.~~

~~D. In order to grant the Administrative Permit, the Appropriate Authority shall make the following findings:~~

~~1. That the establishment of the senior citizen unit will not, under the circumstances of the particular application detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County; and~~

~~2. That the proposed senior citizen unit complies with all applicable requirements of Section 21.64.010C of this Title.~~

~~3. That adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.~~

~~4. That the proposed senior citizen unit will not adversely impact traffic conditions in the area.~~

~~5. That the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist on the property and that all zoning abatement costs, if any, have been paid.~~

~~E. Variances.~~

~~1. Any senior citizen unit which does not comply with the provisions of this Section shall require a Use Permit. If the modifications to this Section are for size, height, or setbacks a variance shall also be required. The Zoning Administrator is the Appropriate Authority to consider said permit.~~

~~2. Conversion of an existing structure, or portion of a structure, to a senior citizen unit when that structure exceeds the allowable height for a habitable accessory structure does not require a variance for an addition to height, provided no additional height is proposed for that structure.~~

**[21.64.030 -Accessory Dwelling Unit]\*\***

SECTION 51. Section 21.64.030 of the Monterey County Code is amended to read as follows:

**21.64.030 Regulations for Accessory Dwelling Unit Regulations for caretaker units.**

~~A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which a dwelling unit accessory to the main residence on a lot may be established for the purpose of providing continuous on-site care for persons and property.~~

~~B. Applicability: The provisions of this Section are applicable in all zoning districts which allow single family residences.~~

~~C. Regulations: Caretaker units may be allowed subject to an Administrative Permit in designated districts and subject in all cases to the following regulations:~~

~~1. Only one caretaker unit per lot of shall be allowed.~~

~~2. The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under the same ownership.~~

~~3. The minimum lot size for establishment of a caretaker unit in areas not served by public sewers shall be two acres.~~

~~4. Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located.~~

~~5. The maximum floor area for a caretaker unit is 1,000 square feet on lots of ten acres or less and 1,200 square feet on lots greater than ten acres.~~

~~6. A minimum of one covered off-street parking space shall be provided for the caretaker unit.~~

~~7. The caretaker unit shall not be separately rented let, or leased to other than the caretaker whether compensation be direct or indirect.~~

~~8. Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.~~

~~9. Caretaker units are not permitted on any lot less than ten acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to an Administrative Permit.~~

~~10. The applicant shall record a deed restriction as a condition of project approval, stating that the caretaker unit shall not be rented to other than the caretaker.~~

~~D. In order to grant the Administrative Permit the Appropriate Authority shall make the following findings:~~

~~1. That the establishment of the caretaker unit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County; and~~

~~2. That the proposed caretaker unit complies with all of the applicable requirements of Section 21.64.030(C) of this Title.~~

~~3. That the subject property upon which the caretaker unit is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.~~

~~4. That adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.~~

~~E. Any caretaker unit proposal which does not comply with the provisions of this Section shall require a Use Permit. If the modification to the provisions of this Section are for other than the height of the caretaker unit, a Variance shall also be required. The Zoning Administrator shall be the Appropriate Authority to consider said permits.~~

A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which an Accessory Dwelling Unit, accessory to the main residence on a lot, may be permitted.

B. Applicability: This Section is applicable in all residential zoning districts and in other districts where an Accessory Dwelling Unit may be allowed subject to a Use Permit.

C. Accessory Dwelling Units Prohibited in certain areas. Accessory Dwelling Units would pose a hazard to public health, safety and welfare in certain unincorporated non-coastal areas of the County because of known infrastructure limitations. These infrastructure limitations are recognized in the 2010 General Plan (See Policy NC-1.5, CV-1.6, T-1.7, and GS-1.13), zoning restricts (B-8 overlay) and adopted specific plans. The County acknowledges prohibiting Accessory Dwelling Units in these areas may limit the housing opportunities of the region; however, specific adverse impacts on the public health, safety and welfare that would result from allowing Accessory Dwelling Units in these areas justify these limitations. Accessory Dwelling Units will not be permitted in the following areas:

1. Within a B-8 zoning overlay.
2. North County Planning Area, not including the Castroville Community Plan area.
3. All lots in the Carmel Valley Master Plan created after October 26, 2010 and all existing legal lots of record containing less than 5 acres.
4. That portion of the Toro Planning Area which is shown on Figure LU-10 of the 2010 General Plan as being limited to the first single family home on a legal lot or record per General Plan Policy T-1.7.
5. That portion of the Greater Salinas Planning Area with residential land use designations north of the City of Salinas, generally between Williams Road and Highway 101 which is shown on Figure LU-7 of the 2010 General Plan as being limited to the first single family home on a legal lot or record per General Plan Policy GS-1.13. .



6. Areas for which the County has adopted a Specific Plan, except as allowed by the Specific Plan.
- D. Regulations: Accessory Dwelling Units are subject to the following regulations:
1. Only one Accessory Dwelling Unit per lot shall be allowed. An Accessory Dwelling Unit shall not be permitted prior to a main residence and shall be located on the same lot as the main residence. An Accessory Dwelling Unit must provide complete independent living facilities for one or more persons and shall contain permanent provisions for living, sleeping, eating, cooking, and sanitation. An Accessory Dwelling Unit may be rented.
  2. The minimum lot size for establishment of an Accessory Dwelling Unit in areas not served by public sewers shall be two acres, except in the Carmel Valley Master Plan area where the minimum lot size shall be five acres.
  3. An Accessory Dwelling Unit shall not be subject to density requirements of the zoning district in which the lot is located.
  4. The maximum floor area for an Accessory Dwelling Unit is 1,200 square feet.
  5. Within the residentially zoned areas, units permitted as a Senior Citizen unit or a Caretaker unit prior to the adoption of these regulations for Accessory Dwelling Units shall be considered an Accessory Dwelling Unit for the purposes of this section.
  6. An Accessory Dwelling Unit shall conform to all of the zoning and development standards (lot coverage, height, setbacks, design, etc.) of the zoning district which governs the lot. An Accessory Dwelling Unit attached to the principal residence shall be subject to the height, setback and coverage regulations of the principal residence. An Accessory Dwelling Unit detached from the principal dwelling shall be treated as a habitable accessory structure in regard to height, and setbacks. Parking for an Accessory Dwelling Unit shall be consistent with the Parking Regulations in Chapter 21.58
  7. An Accessory Dwelling Unit shall be designed in such a manner as to be visually consistent and compatible with the principal residence on-site and other residences in the area.
  8. Accessory Dwelling Units are subject to review and approval by the Director of Environmental Health to ensure adequate sewage disposal and water supply facilities exist or are readily available to serve the unit.
- E. An Accessory Dwelling Unit may be allowed in the Resource Conservation zone subject to an Administrative Permit in each case. In order to grant the Administrative Permit, the Appropriate Authority shall make all of the following findings:
1. The establishment of the Accessory Dwelling Unit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
  2. The proposed Accessory Dwelling Unit complies with all of the applicable requirements of this Section.
  3. That the subject property upon which the Accessory Dwelling Unit is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.

4. That adequate sewage disposal and water supply facilities exist or are readily available, as determined by the Director of Environmental Health.
- F. Any Accessory Dwelling Unit which does not comply with height or setback regulations for the district in which it is proposed shall require a Use Permit. The Zoning Administrator is the appropriate authority to consider said permit. The Use Permit may only be approved if the Appropriate Authority finds that the deviation from the height and/or setback requirements better achieves the policies of the General Plan and regulations of the Zoning Ordinance.

**[21.64.033 –Section to be added-Single Room Occupancy]\*\***

SECTION 52. Section 21.64.033 is added to the Monterey County Code to read as follows:

**21.64.033 – Regulations for Single Room Occupancy (SRO) Facilities**

- A. Purpose: The purpose of this Section is to establish the development standards for Single Room Occupancy (SRO) Facilities. SRO Facilities meeting these development standards are allowed subject to a Use Permit in specified zoning districts, thus providing additional affordable housing opportunities.
- B. Applicability. The provisions of this section are applicable in the High Density Residential and Mixed Use Zoning Districts and in the Community Plan Zoning Districts.
- C. Regulations. A Single Room Occupancy Facility may be allowed, subject to a Use Permit in each case, and subject to the following standards:
  1. Unit Size. Excluding the bathroom area and closet, the Single Room Occupancy unit must be a minimum of 150 square feet in floor area and the maximum size shall be not more than 400 square feet. Each unit shall be designed to accommodate a maximum of two people.
  2. Private Facilities. Each Single Room Occupancy Unit must include a closet and may contain either kitchen facilities or bath facilities but not both.
    - a. Complete common cooking facilities/kitchens must be provided if any unit within the SRO Facility does not have a kitchen. One complete cooking facility/kitchen shall be provided within the SRO Facility for every twenty SRO units or portion thereof that do not have kitchens, or have one kitchen on any floor where SRO units without kitchens are located.
    - b. Common bathrooms must be located on any floor with units that do not have full bathrooms. Common bathrooms shall be either single occupant use with provisions for privacy or multi-occupant use with separate provisions for men and women. Common bathrooms shall have shower or bathtub facilities at a ratio of one for every seven units or fraction thereof. Each shared shower or bathtub facility shall be provided with an interior lockable door.
  3. Common Space. Each SRO Facility shall have at least ten square feet of common usable area per unit; however no SRO facility shall provide less than two hundred square feet of common outdoor area and two hundred square feet of common indoor area. Maintenance areas, laundry facilities, storage (including bicycle storage), and common hallways shall not be included as usable indoor common space. Landscape

areas that are less than eight feet wide shall not be included as outdoor common space.

4. Management. A SRO Facility with twelve or more units shall provide twenty-four-hour on-site management, and include a dwelling unit designated for the manager. All SRO Facilities must have a management plan approved by the Appropriate Authority. The management plan shall contain management policies, maintenance plans, rental procedures, tenant rules, and security procedures.
5. Laundry Facilities. Single Room Occupancy Facilities shall include laundry facilities.

**[21.64.330 –New section- Homeless Shelter]\*\***

SECTION 53. Section 21.64.330 is added to the Monterey County Code to read as follows:

**21.64.330 – Regulations for Homeless Shelter.**

- A. Purpose: The purpose of this Section is to provide development standards for Homeless Shelters in the unincorporated non-coastal areas of Monterey County.
- B. Applicability. The provisions of this Section are applicable in areas designated by a Community Plan for Mixed Use or High Density Residential, and in areas of the County zoned Mixed Use and High Density Residential.
- C. Regulations. A Homeless Shelter is an allowed use in any area designated by a Community Plan for Mixed Use or High Density Residential, and in areas of the County zoned Mixed Use or High Density Residential, subject to the following standards in each case:
  1. Location: Homeless Shelters shall be allowed only where adequate water supply and sewage disposal facilities exist as determined by the Director of Environmental Health, and Homeless Shelters shall be located no further than 2500 feet from a public transit stop.
  2. Size Limits. The maximum number of clients permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the facility or one person per 125 square feet of floor area, which ever is less.
  3. Management. At a minimum, one on-site manager and one supporting staff member shall be provided in each sleeping area that is in use. Managers and supporting staff shall not be counted for the purpose of calculating the size limits pursuant to this Section.
  4. Operations Plan. The operator of the Homeless Shelter shall submit an Operations Plan to the Director of Planning for review and approval prior to the issuance of any construction permits. The Operations Plan shall contain, at a minimum, the following elements:
    - a. Security Plan. The Security Plan shall include provisions for onsite security including lighting, security cameras, and other measures appropriate to provide for adequate health and safety of clients and management and to aid in avoiding the potential for nuisances within near the site. The operator shall also demonstrate that emergency service providers including the Sheriff's

Office, the local Fire Department and the appropriate aAmbulance operators have been adequately notified and will provide services to the shelter.

- b. Neighborhood Relations Plan. The Plan shall include provisions for addressing potential neighborhood concerns, including regular meetings with abutting neighbors and contact information in case of emergency.
5. Proximity to other homeless shelters. No homeless shelter shall be within a 300 foot radius from another homeless shelter.
6. Length of stay. Individual occupancy is limited to six or fewer consecutive months and shall not exceed 300 days within a 12 month period.
7. Segregated Sleeping Areas. Segregated lavatory and bathing areas shall be provided if the Homeless Shelter accommodates both men and women in the same building. Segregated sleeping, lavatory and bathing areas for families may also be provided.
8. Onsite waiting and intake areas. A minimum of five percent of the total square footage of a homeless shelter shall be designated for indoor on-site waiting and client intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.
9. Off-street parking shall be provided, in accordance with Section 21.58.040.

## **[21.65– New Chapter- Density Bonus and Incentives]\*\***

SECTION 54. Chapter 21.65 is added to the Monterey County Code to read as follows:

### **Chapter 21.65 Density bonus and incentives**

#### **Sections:**

- 21.65.010 – Purpose**
- 21.65.020 – Applicability**
- 21.65.030 – Definitions**
- 21.65.040 – Application Requirements**
- 21.65.050 – Eligibility for Density Bonus**
- 21.65.060 - Density Bonus Calculations**
- 21.65.070 – Eligibility and Application Requirements for Incentives**
- 21.65.080 – Child Care Facilities**
- 21.65.090 – Donation of Land**
- 21.65.100 –General Requirements**
- 21.65.110 – Qualifying Units – Agreement Required.**

#### **21.65.010 – Purpose.**

The purpose of this Chapter is to implement California Government Code sections 65915 through 65917. These regulations are intended to work in conjunction with the requirements of the County's Inclusionary Housing Ordinance (Chapter 18.40 of Monterey County Code) and shall not

be interpreted to alter or in any way diminish the requirements of the Inclusionary Housing Ordinance.

**21.65.020 – Applicability.**

The provisions of this Chapter are applicable in all residential zoning districts.

**21.65.030 – Definitions.**

- A. “Affordable Rent” means a monthly amount which, together with utility allowance, does not exceed the following:
  - 1. For very low income Density Bonus Units, one-twelfth of thirty (30) percent of the maximum income for a very low income household, adjusted by household size.
  - 2. For low income Density Bonus units, one-twelfth of thirty (30) percent of sixty (60) percent of median income, adjusted for household size.
  - 3. For moderate income Density Bonus Units, one-twelfth of thirty (30) percent of one hundred ten (110) percent of median income, adjusted for household size.
- B. “Affordable Sales Price” means a sales price at which Moderate, Low or Very Low Income Households can qualify for the purchase of Qualifying Units, calculated on the basis of the same underwriting criteria utilized by the County for the County’s Inclusionary Housing Ordinance.
- C. “Base Units” means the number of units that would be allowed under the General Plan land use designation and zoning ordinance for the subject site before calculation of the Density Bonus.
- D. “Child Care Facility” means a facility, other than a day care home, licensed by the State of California to provide non-medical care to children under 18 years of age in need of personal services, supervision or assistance on less than a 24-hour basis.
- E. “Density Bonus” means an increase in density over the otherwise maximum allowable residential density under the applicable zoning ordinance and General Plan land use designation taking into account all applicable limitations.
- F. “Density Bonus Housing Agreement” means a legally binding agreement between the County and an applicant, governing how the applicant shall comply with this Chapter.
- G. “Household” means one or more individuals who occupy one dwelling unit.
- H. “Housing Development” means a project providing residential units including, without limitation, a subdivision, a planned unit development, multifamily dwellings, or condominium project. Housing developments consist of development of residential units or creation of unimproved residential lots and also include either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, where the result of the rehabilitation would be a net increase in available residential units.
- I. “Incentive” means enticements for providing affordable housing proposed by the developer or the County that result in identifiable, financially sufficient, and actual cost reductions for a qualified Housing Development.
- J. “Inclusionary Unit” means a dwelling unit which is restricted for affordability pursuant to the County’s Inclusionary Housing Ordinance.
- K. “Low Income Household” or Lower Income Household” means a household, with an annual income which does not exceed the United States Department of Housing and Urban

Development annual determination for low income Households with incomes of up to eighty (80) percent of the Median Income, adjusted for household size.

- L. "Low Income Unit" or "Lower Income Unit" means a qualifying unit or Inclusionary Unit reserved for occupancy by Low Income Households at an affordable rent or sales price.
- M. "Maximum allowable residential density" means the density allowed under the General Plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project. Maximum allowable residential density takes into account limitations to density pursuant to General Plan policies and Zoning Ordinance regulations.
- N. "Median Income" means the median income as determined periodically by the United States Department of Housing and Urban Development for the Salinas Metropolitan Statistical Area and updated on an annual basis.
- O. "Moderate Income Household" means a household, with an annual income which does not exceed the United States Department of Housing and Urban Development annual determination for moderate income households with incomes of one hundred twenty (120) percent of the Median Income, adjusted for household size.
- P. "Moderate Income Unit" means a Qualifying Unit or Inclusionary Unit reserved for occupancy by moderate income households at an affordable rent or sales price.
- Q. "Qualifying Unit" means a dwelling or dwellings designated for occupancy by very low, low, or moderate income households, within a housing development, which make the housing development eligible for a Density Bonus.
- R. "Senior Citizen Housing Development" means a housing project where residency is restricted to persons 62 years of age or older, or 55 years of age or older and that is designed to meet the physical and social needs of senior citizens. A housing development shall be presumed to meet those needs when it does the following:
  - 1. Entryways, walkways, and hallways in the common areas of the development, and doorways and paths of access to and within the housing units, shall be as wide as required by current laws applicable to new multifamily housing construction for provision of access to persons using a standard-width wheelchair.
  - 2. Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking.
  - 3. Walkways and hallways in the common areas shall have lighting conditions which area of sufficient brightness to assist persons who have difficulty seeing.
  - 4. Access to all common areas and housing units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.
  - 5. The development shall be designed to encourage social contact by providing at least one common room and at least some common open space.
  - 6. Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents; and
  - 7. The development complies with all the applicable requirements for accessibility.
- S. "Very Low Income Household" means a household with an annual income which does not exceed the United States Department of Housing and Urban Development annual determination for very low income Households earning fifty (50) percent of the Median Income, adjusted for household size.
- T. "Very Low Income Unit" means a Qualifying Unit or Inclusionary Unit reserved for occupancy by Very Low Income Households at an affordable rent or sales price.

### **21.65.040 – Density Bonus Application Requirements.**

An applicant who is seeking a Density Bonus for a Housing Development: shall submit to the Planning Department the following information:

- A. A site plan that identifies all units in the project including the location of all base units, qualifying units and inclusionary units.
- B. A narrative briefly describing:
  1. The project;
  2. The number of base units permitted under the General Plan and zoning;
  3. The number of qualifying units based on Density Bonus criteria of this Chapter;
  4. The total number of units proposed in the project (Base Units plus Density Bonus Units);
  5. A breakdown of units proposed for very low, low, and moderate income, senior citizen, and/or market rate units;
  6. Any requested incentive(s) including an explanation as to why the incentive(s) is required for the housing development; and
  7. A description of how the proposal complies with the requirements of the Inclusionary Housing Ordinance (Chapter 18.40).
- C. Information demonstrating that appropriate and sufficient infrastructure capacity (e.g. water, sewer, roadway) and water supply are available to serve the project at the density proposed.
- D. At the option of the applicant, a written request to meet with the County to discuss applicant's Density Bonus and Incentives request including any request for a waiver or reduction of development standards.
- E. Any such additional information as may be requested by the Director of Planning or the Director of the Redevelopment and Housing Office to evaluate the request for a Density Bonus or Incentive(s). This additional information may include but is not limited to financial studies.

### **21.65.050 – Eligibility for Density Bonus**

An application for a Housing Development containing five or more residential units shall qualify for a density bonus and at least one other incentive as provided by this Chapter if the applicant does one or more of the following:

- A. Agrees to construct and maintain at least five (5) percent of the base units for very low income households;
- B. Agrees to construct and maintain at least ten (10) percent of the base units for low income households;
- C. Agrees to construct and maintain at least ten (10) percent of the base units in a condominium project or Planned Development project dedicated to moderate income households, provided that all units in the development are offered to the public for purchase;
- D. Agrees to construct and maintain a Senior Citizen Housing Development;
- E. Donates land to the County for the construction of very low income units pursuant to the provisions of this Chapter; or
- F. Includes a qualifying Child Care Facility in addition to providing housing described in subsections A, B, or C of this Section.

**21.65.060 - Density Bonus Calculations.**

- A. The granting of a density bonus or the granting of a density bonus together with an incentive(s) shall not be interpreted, in and of itself, to require a General Plan amendment, specific plan amendment, rezone, or other discretionary approval.
- B. An applicant must choose a density bonus from only one applicable affordability category of this Chapter and may not combine categories, with the exception of a Child Care Facility or land donation. The Child Care Facility or Land Donation may be combined with an affordable housing development for an additional Density Bonus up to a combined maximum of thirty five (35) percent.
- C. The calculation of Qualifying units shall be based on the number of Base Units. In no event shall a Density Bonus exceed 35 percent of Base Units. A Housing Development that satisfies all applicable provisions of this Chapter shall be allowed the following applicable Density Bonuses:

- 1. The Density Bonus for Very Low Income Units shall be calculated as follows.

Percentage of Very Low Income Units	Maximum Density Bonus (Percent of Base Units)
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

- 2. The Density Bonus for Low Income Units shall be calculated as follows:

Percentage of Low Income Units	Maximum Density Bonus (Percent of Base Units)
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35 <sup>2</sup>

- 3. The Density Bonus for Moderate Income Units shall be calculated as follows:

(Note: Page numbers on *Exhibit B, Draft Housing Ordinance*, included for guiding purposes only.)



Percentage of Moderate Income Units	Maximum Density Bonus (Percent of Base Units)
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

4. Senior citizen housing developments qualify for a 20 % Density Bonus.
5. An applicant for an apartment conversion to a condominium project that provides at least 33% of the total units of the proposed condominium project to persons and families of low or moderate income, or 15% of the total units of the project to lower income households, and agrees to pay for the reasonable necessary administrative costs incurred by the County, qualify for a 25% density bonus or other incentives of equivalent financial value. An applicant shall be ineligible for a Density Bonus or other incentives if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under the other provisions of this section.

**21.65.070 – Eligibility and Application Requirements for Incentives**

- A. A Housing Development qualifying for a Density Bonus is entitled to at least one Incentive in addition to the Density Bonus. Incentives are available for qualifying Housing Developments as follows:
1. One (1) Incentive for a Senior Citizen Housing Development or for a Housing Development that restricts at least:
    1. Five (5) percent of base units for Very Low Income Households;
    2. Ten (10) percent of base units for Low Income Households; or
    3. Ten (10) percent of base units for Moderate Income Households within a Condominium project or a Planned Unit Development.
  2. Two (2) Incentives for a Housing Development that restricts at least:
    - a. Ten (10) percent of the base units for Very Low Income Households;
    - b. Twenty (20) percent of the base units for Low Income Households; or
    - c. Twenty (20) percent of the base units for Moderate Income Households within a Condominium project or a Planned Unit Development.
  3. Three (3) Incentives for a Housing Development that restricts at least:
    - a. Fifteen (15) percent of base units for Very Low Income Households;
    - b. Thirty (30) percent of base units for Low Income Households; or
    - c. Thirty (30) percent of base units for Moderate Income Households within a Condominium project or a Planned Unit Development.
- B. The Appropriate Authority for the Housing Development shall grant the incentive unless the Appropriate Authority makes a written finding, based upon substantial evidence, of any of the following::
1. That the Incentive is not necessary in order to provide for affordable housing costs; or
  2. That the Incentive would result in specific adverse impacts upon the public health, safety, or the physical environment for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low, and Moderate Income Households.
  3. That the Incentive would be contrary to the County's certified Local Costal Program or state or federal law.
- C. Where a Housing Development qualifies for Incentives pursuant to this Chapter the applicant may request any of the following Incentives:
1. A reduction in site development standards such as:
    - a. Reduced minimum lot sizes and/or dimensions
    - b. Reduced minimum setbacks
    - c. Increased Lot Coverage
    - d. Increased Maximum building heights; or
    - e. Reduced on-site parking requirements
  2. Approval of a mixed use zoning in conjunction with the Housing Development if commercial, office, or other land uses will reduce the cost of the housing development and if the commercial, office or other land uses are compatible with the Housing Development and the existing or planned development in the area where the proposed Housing Development will be located; or
  3. Other regulatory incentives proposed by the developer or the County, which result in identifiable, financially sufficient and actual cost reductions.

4. In addition to the requested incentives above, and not counting toward the eligible number of incentives, any applicant qualifying for a Density Bonus may request, inclusive of handicapped and guest parking, the following parking ratios:

- a. Zero to one bedrooms: One onsite parking space
- b. Two to three bedrooms: Two onsite parking spaces
- c. Four or more bedrooms: Two and one-half parking spaces

If the total number of parking spaces for the development is other than a whole number, the number shall be rounded up to the next whole number.

#### **21.65.080 – Child Care Facilities**

- A. When an applicant proposes a Housing Development that is eligible for a Density Bonus under this Chapter and includes a Child Care Facility on the premises or adjacent to the Housing Development, the applicant shall receive an additional Density Bonus that is in an amount of square feet of residential space that is equal to the square footage of the child care facility; or the applicant may receive another incentive that contributes significantly to the economic feasibility of the construction of the Child Care Facility, provided that, in both cases, the following conditions are incorporated in the conditions of approval for the Housing Development:
  1. The Child Care Facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable pursuant to the terms of the Density Bonus Housing Agreement required by section 21.65.120 of this chapter..
  2. Attendance of children at the Child Care Facility shall have an equal or greater percentage of children from Very Low, Low, and Moderate Income Households than the percentage of affordable units in the Housing Development.
- B. The County may deny the request for a Density Bonus or Incentive for a Child Care Facility if the County finds, based upon substantial evidence, that the community has adequate Child Care Facilities without the facilities being considered as part of the subject Housing Development.

#### **21.65.090 – Donation of Land**

- A. When an applicant for a tentative subdivision map, parcel map or other residential development donates land to the County, the applicant shall be entitled to a density bonus above the maximum allowable residential density, up to a maximum of thirty five (35) percent depending on the amount of land donated. This increase shall be in addition to any increase in density permitted by this Chapter up to a maximum combined density increase of 35 percent. A Density Bonus for donation of land shall only be considered if all of the following conditions are met:
  1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
  2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in the amount not less than 10% of the residential units in the proposed development.
  3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is, or will be, served by adequate public facilities and infrastructure. The transferred land shall have appropriate zoning and development

standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income units on the transferred land, except that the County may subject the proposed development to subsequent design review if the design is not reviewed by the County prior to the time of transfer.

4. The transferred land and the units constructed on said land shall be subject to a deed restriction ensuring continued affordability of the units for a period of at least 30 years and subject to restrictions consistent with California Government Code Section 65915 (c)(1) and (2), as may be periodically amended.
5. The land is transferred to the County or to a housing developer approved by the County.
6. The transferred land shall be within the boundary of the proposed development or, if the County determines appropriate, within one-quarter mile of the boundary of the proposed development.

#### **21.65.100 – General Requirements.**

- A. An applicant may request a meeting with the Planning Department and the Redevelopment and Housing Office of the County prior to the submittal of a development application to discuss incentive requests.
- B. The Appropriate Authority to consider the Density Bonus is the Appropriate Authority for the qualifying Housing Development of which the Density Bonus is a component.
- C. The Affordable Housing Overlay (AHO) zone provides density bonus and other incentives for projects that provide a significant amount of affordable housing. Density bonuses and other development incentives granted pursuant to the AHO zone includes the incentives offered in this Chapter, and shall not be in addition to the development incentives offered in this Chapter.

#### **21.65.110 – Density Bonus and Inclusionary Housing Ordinance.**

- A. All residential development shall comply with the Inclusionary Housing Ordinance contained in Chapter 18.40 of the Monterey County Code, and nothing in this Chapter relieves an applicant from complying with the Inclusionary Housing Ordinance. The County's granting of a Density Bonus by itself does not satisfy the applicant's responsibility to comply with the Inclusionary Housing Ordinance.
- B. The total number of Inclusionary Units is calculated based upon the total number of units within the Housing Development (Base Units plus Density Bonus). The number of Qualifying Units used to determine eligibility for Density Bonus is based upon the number of Base Units.

#### **21.65.120 – Qualifying Units – Agreement Required.**

- A. Qualifying units may be used to satisfy the Inclusionary Housing requirements of Chapter 18.40 of the Monterey County Code. If qualifying units are applied to the Inclusionary Housing requirements, those units will be subject to the affordability provisions of the Inclusionary Housing Ordinance. The applicant will be required to enter into an Inclusionary Housing Developer Agreement governing these units pursuant to the County's Inclusionary Housing Ordinance.

- B. All qualifying units not included within the Inclusionary Housing Developer Agreement shall be subject to the following provisions:
1. Duration of Affordability. The applicant shall agree to, and the County shall ensure, the continued availability of the Qualifying Units and other incentives for a period of at least 30 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
  2. Unit Affordability Requirements.
    - a. Rental Units. Rents for the low income and moderate income qualifying units shall be set at an affordable rent as defined in section 21.65.030.
    - b. Owner-occupied Units. Owner-occupied qualifying units shall be available at an affordable housing sales price as defined in section 21.65.030
  3. Occupancy and Resale of Very Low, Low, and Moderate Income for sale units.
    - a. An applicant shall agree to, and the County shall ensure, that the occupant of very low, low, or moderate income units are persons and families of the appropriate income and that the units are offered at an affordable housing cost.
    - b. The County shall enforce an equity sharing agreement as specified in California Government Code Section 65915(c)(2), as may be periodically amended.
  4. Location and Type of Qualifying Units.
    - a. Location/Dispersion of Units. Qualifying units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to the market rate units within the Housing Development. The qualifying units shall be considered as part of the Housing Development for which the density bonus is being considered. To the greatest extent feasible, the qualifying units shall be located throughout the Housing Development that also includes market rate units. Qualifying units may be clustered or located off-site subject to the approval of the Appropriate Authority, if such clustering or off-site location furthers affordable housing opportunities.
    - b. Phasing. If a project is to be phased, the qualifying units shall be phased in the same proportion as the market rate units or phased in another sequence acceptable to the County. The qualifying units shall be constructed concurrently with or prior to construction of the market rate units.
    - c. Exterior Appearance. The exterior appearance and quality of the reserved units shall generally be similar to the market rate units, with exterior materials and improvements similar to and architecturally compatible with the market rate units in the development.
  5. Applicant shall enter into and record an agreement with the County containing and implementing these provisions.

**[21.66.060 –To be amended-Agricultural Employee Housing]\*\***

SECTION 55. Section 21.66.060 of the Monterey County Code is amended to read as follows:

**21.66.060 – Agricultural employee housing.~~Standards for farm employee and farmworker housing.~~**

- A. Purpose: The purpose of this Section is to provide the minimum standards for the application and development of ~~farm agricultural employee and farm worker~~ housing.
- B. Applicability: The regulations of this Section are applicable in those zoning districts which allow ~~farm agricultural employee housing or farm worker housing~~.
- C. Regulations:
1. Development of ~~farm agricultural employee housing and farm worker housing and renewal of permits for existing farm labor housing~~ is subject to the following requirements, based on the size of the facility and the zoning district of the subject property:
    - a. In the Farmlands, Rural Grazing and Permanent Grazing Zoning Districts, agricultural employee housing consisting of not more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household is an allowed use; shall require a Use Permit or an Administrative Permit. The application shall include, at a minimum, the following elements:
    - b. In the Farmlands, Rural Grazing and Permanent Grazing Zoning Districts, agricultural employee housing consisting of 37 or more beds in a group quarters or 13 or more units or spaces designed for use by a single family or household shall require a Use Permit.
  2. Prior to the issuance of a Use Permit for Agricultural Employee Housing exceeding 12 units or 36 beds, the operator of the agricultural employee housing facility shall submit a facility plan to the Planning Director consisting of the following information:
    - a. Entity responsible for housing maintenance and up-keep;
    - b. Description of whether the housing will be used on a permanent, temporary, and/or seasonal basis;
    - c. Total number of people to be housed on-site at any one time;
    - d. Description of the housing, including whether the structures will be permanent and/or temporary, intended as units for families, one person, or several persons, and cost of the units and utilities to the laborers;
    - e. Location of where the employees will work;
    - f. Assessment of how much water will be used by the proposed development and description of how water is proposed to be supplied to the housing, including water source location and type, water quality, water quantity, and storage; and,
    - g. Description of the sewage disposal method, such as septic systems, to be used to service the housing.
  3. ~~Farm Agricultural employee and farm worker housing for more than 12 units or 36 beds shall meet the following criteria, which shall be made conditions of project approval where appropriate not be issued a Use Permit unless the following criteria is-are satisfied:~~
    - a. There must be adequate water and sewer available to service the development, as determined by the Director of Environmental Health.
    - b. The housing must be located off prime and productive agricultural land, or on the parcel where no other alternatives exist on site, on the least viable portion of the parcel.

- c. The development shall incorporate proper erosion and drainage controls.
  - d. Enclosed storage facilities shall be provided for each housing or dwelling unit.
  - e. Laundry facilities, including washers and dryers, shall be provided on-site.
  - f. The site design of the facilities shall be subject to the approval of the Director of Planning.
  - g. The development of three or more dwelling units shall require inclusion of recreation facilities and open space, proportional to the amount and type of facilities to be provided. ~~Inclusion of family units in~~ The facilities shall require children's play equipment. Adult housing shall require the inclusion of appropriate recreational areas, such as for baseball, basketball, soccer or horseshoe pitching.
  - h. The development shall be landscaped pursuant to a landscaping plan approved by the Director of Planning prior to issuance of building permits for the facility.
  - i. All recreational areas and landscaping shall be installed prior to occupancy of the facilities. Landscaped areas shall be maintained.
- D. ~~When applicable, Use Permits for farm agricultural employee or farm worker housing may shall~~ be conditioned to expire at a time to be specified by the ~~decision making body~~ appropriate authority at the time of Use P permit approval. Renewal of the Use P permit shall require on site inspections by the ~~Planning and Building Inspection~~ Department and Health Department, prior to public hearing, to assess compliance with the previous conditions of approval.
- ~~E. All renewals of permits for existing farm employee or farm worker housing shall be subject to the criteria of this section. New conditions of project approval shall be applied in order to assure compliance with the criteria where feasible.~~

SECTION 56. Subsection E of Section 21.64.180 of the Monterey County Code amended to read as follows:

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

SECTION 57. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held 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, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 58. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day following its adoption.

PASSED AND ADOPTED on this \_\_\_\_ day of May, 2011, by the following vote:

AYES: Supervisors  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Jane Parker, Chair  
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM BY:

\_\_\_\_\_  
Leroy W. Blankenship  
Assistant County Counsel