

ORDINANCE NO. 345

1 AN ORDINANCE OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA,  
2 AMENDING ORDINANCE NO. 120, THE ZONING ORDINANCE OF SAID COUNTY,  
3 The Board of Supervisors of the County of Santa Clara, State of  
4 California, do ordain as follows:

5 SECTION 1.

6 Section 12 of said Ordinance No. 120 is hereby amended to read as  
7 follows:

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

9 12.1 The following regulations shall apply in all "A-1"  
10 districts and shall be subject to the provisions of Section  
11 29 of this ordinance:

12 12.2. Uses permitted: All uses permitted in any "H",  
13 "R" or "C" District.

14 12.3 All uses not otherwise prohibited by law, including  
15 the following, upon the securing of a use permit in each case,  
16 as provided in Section 35 of this ordinance:

17 12.3.1 Junk Yard.

18 12.3.2 Commercial excavating of natural materials within  
19 a distance of one thousand (1000) feet from any public street.

20 12.3.3 Storage of any inflammable fluid in a greater  
21 quantity than two thousand (2000) gallons if such storage  
22 is in any container the uppermost portion of which is at an  
23 elevation higher than four (4) feet below the surface of the  
24 ground.

25 12.3.4 Cemetery, crematory, mausoleum or any other place  
26 for the burial or other disposal of the human dead, or any  
27 addition thereto.

28 12.3.5 Construction, maintenance or operation of any  
29

1           housed within the area of one acre.

2                   12.3.6 Airport.

3                   12.3.7 Amusement park, circus, carnival, fair ground,  
4 open air theatre, race track, recreational center privately  
5 operated, or any establishment or enterprise involving a  
6 large assemblage of people and/or automobiles.

7                   12.4 Additional regulations: No building shall here-  
8 after be erected, nor shall any use of land be conducted ex-  
9 cept the use of land for agricultural purposes so that the  
10 same will be closer to the right of way line of any street  
11 than any Official Plan Line or any building line which has  
12 been established for such street by the Street and Highway  
13 Plan, or section thereof, of the Master Plan of the County,  
14 or than any future width line or building line which may be  
15 specified therefor by the provisions of this ordinance.

16 SECTION 2.

17 Section 34 of said Ordinance No. 120 is hereby amended to read  
18 as follows:

19                   SECTION 34. ADJUSTMENTS, VARIANCES AND APPEALS

20                   34.1 The Planning Commission, subject to the approval  
21 and confirmation of the Board of Supervisors in each case,  
22 as hereinafter provided, shall have power to grant adjustments,  
23 variances and exceptions in and to any of the provisions of this  
24 ordinance to the extent of the following and no further:

25                   34.2 To vary or modify the strict application of any  
26 of the regulations or provisions contained in this ordinance in  
27 cases in which there are practical difficulties or unnecessary  
28 hardships in the way of such strict application.  
29

1           34.4 Application for any adjustment or variance per-  
2           missible under the provisions of this section shall be made  
3           to the Planning Commission in the form of a written applica-  
4           tion for a building permit or for a permit to use the property  
5           or premises as set forth in said application, and shall be  
6           accompanied by a fee of Ten (10) Dollars no part of which  
7           shall be returnable to the petitioner, provided, however,  
8           that the County of Santa Clara, State of California and  
9           United States of America shall be exempt from the payment of  
10          any fee required under this section. Upon receipt of any  
11          such application by the officer or employee of the Planning  
12          Commission designated in the rules of the Commission for such  
13          purpose, such officer or employee shall set a time and place  
14          for a public hearing before the Planning Commission on such  
15          application. Such officer or employee shall cause public  
16          notice of such public hearing to be given by causing one  
17          notice thereof to be published in a newspaper of general  
18          circulation in the County at least ten (10) days before the  
19          date of said hearing. At said hearing the applicant shall  
20          present a statement and adequate evidence, in such form as  
21          the Planning Commission may require, showing:

22                34.5 That there are special circumstances or conditions  
23                applicable to the land, building or use referred to in the  
24                application.

25                34.6 That the granting of the application is necessary  
26                for the preservation and enjoyment of substantial property  
27                rights.

28                34.7 That the granting of such application will not  
29

1 welfare or injurious to property or improvements in said  
2 neighborhood.

3 34.8 The Commission shall thereupon make its decision  
4 upon the said application and shall report such decision to  
5 the Board of Supervisors within forty-five (45) days after  
6 the filing of the application.

7 34.9 In granting any adjustment or variance under the  
8 provisions of this section, the Planning Commission shall  
9 designate such conditions in connection therewith as will,  
10 in its opinion, secure substantially the objectives of the  
11 regulation or provision to which such adjustment or variance  
12 is granted, as to light, air, and the public health, safety,  
13 comfort, convenience and general welfare. No permit shall  
14 be issued under the provisions of this section unless and  
15 until a decision of the Planning Commission, as aforesaid,  
16 approving the same, is approved and confirmed by the Board  
17 of Supervisors. In reporting its decision to the Board of  
18 Supervisors, the Planning Commission shall report its findings  
19 with respect thereto and all facts in connection therewith,  
20 and shall specifically and fully set forth any adjustment or  
21 variance granted and the conditions designated. Upon receipt  
22 of such report, if the decision of the Planning Commission  
23 approved the granting of the application, the Board of  
24 Supervisors either shall, by resolution, approve and confirm  
25 said decision, whereupon the permit as applied for may issue:  
26 or shall refuse to approve and confirm such decision. In all  
27 cases in which adjustments or variances are granted under the  
28 provisions of this section, the Planning Commission shall  
29  
30

1           34.10 The Planning Commission shall have power to decide  
2 any question involving the interpretation of any provision  
3 of this ordinance.

4           34.11 Any person who is dissatisfied with any decision  
5 or ruling of the Planning Commission may, within thirty (30)  
6 days after the date of such decision or ruling, appeal  
7 therefrom in writing to the Board of Supervisors, who shall  
8 have power to over-rule such decision or ruling.

9 SECTION 3.

10 Section 35 of said Ordinance No. 120 is hereby amended to read as  
11 follows:

12 SECTION 35. USE PERMITS.

13           35.1 Use permits may be issued for any of the following:

14           35.2 Any of the uses or purposes for which such permits  
15 are required or permitted by the provisions of this ordinance.

16           35.3 Public utility or public service uses or public  
17 buildings in any district when found to be necessary for  
18 the public health, safety, convenience or welfare.

19           35.4 Commercial excavating of natural materials used  
20 for building or construction purposes, in any district.

21           35.5 To classify as a conforming use any use permitted  
22 in "C-2" districts, but not in more restricted districts,  
23 which use is existing at the time of the adoption of this  
24 ordinance as a non-conforming use in a "C-1" district.

25           35.6 To classify as a conforming use any institutional  
26 use existing in any district at the time of the establishment  
27 of such district.

28           35.7 To permit the location of any of the following  
29

1 philanthropic or charitable nature, cemetery, crematory,  
2 mausoleum or any other place for the disposal of the human  
3 dead.

4 35.8 Such use permits shall be issued under the same  
5 procedure as that specified in Section 34 of this ordinance,  
6 for the granting of adjustments or variances, except that:

7 35.9 No public hearing need be held thereon; provided,  
8 that the Planning Commission may hold such hearings thereon  
9 as it may deem to be necessary; and provided, further, that  
10 a public hearing shall be held on any application for a use  
11 permit for the establishment of any use listed in the pre-  
12 ceding paragraph numbered "35.7" of this section.

13 35.10 The findings of the Planning Commission, except  
14 as otherwise provided in this section, need include only  
15 that the establishment, maintenance and/or conducting of the  
16 use for which a use permit is sought will not, under the  
17 circumstances of the particular case, be detrimental to the  
18 health, safety, morals, comfort, convenience, or welfare of  
19 persons residing or working in the neighborhood of such use  
20 and will not, under the circumstances of the particular  
21 case, be detrimental to the public welfare or injurious to  
22 property or improvements in said neighborhood.

23 35.11 Any proceedings to classify certain uses as con-  
24 forming uses, as provided in this section, may be initiated  
25 by the Board of Supervisors or by the Planning Commission,  
26 or by petition as hereinbefore provided.

27 35.12 All other provisions of said Section 34 and all  
28 sub-sections thereunder, including the designation by the  
29

1 permit.

2 35.13 Any use permitted under the terms of any use  
3 permit shall be established and conducted in conformity  
4 to the terms of such use permit and of any conditions desig-  
5 nated in connection therewith.

6 35.14 Every application for a use permit shall be  
7 accompanied by a fee of Five (5) Dollars no part of which  
8 shall be returnable to the petitioner, provided, however,  
9 that the County of Santa Clara, State of California and  
10 United States of America shall be exempt from the payment  
11 of any fee required under this section.

12 SECTION 4.

13 Section 36 of said Ordinance No. 120 is hereby amended to read  
14 as follows:

15 SECTION 36.

16 36.1 This ordinance may be amended by changing the  
17 boundaries of districts or by changing any other provision  
18 hereof whenever the public necessity and convenience and  
19 the general welfare require such amendment by following  
20 the procedure specified in this section. Said amendment  
21 may be initiated by:

22 36.1 (a) The verified petition of one or more owners  
23 of property affected by the proposed amendment which  
24 petition shall be filed with the Planning Commission and  
25 shall be accompanied by a fee of Fifty (50) Dollars, no part  
26 of which shall be returnable to the petitioner; or by

27 36.1 (b) Resolution of intention of the Board of  
28 Supervisors; or by  
29

1 next succeeding meeting following the filing of such verified  
2 petition or following the adoption of such resolution of  
3 intention, shall set the times and places for such public  
4 hearings as may be required by law. Such notice shall  
5 include notice of the proposed amendment. In case the  
6 proposed amendment consists of a change of the boundaries  
7 of any district so as to reclassify property from any district,  
8 except an "A-1" or "A-2" district, to any other district, the  
9 Planning Commission shall give additional notice of the time  
10 and place of such hearings and of the purpose thereof by:

11 36.2.1 Posting public notices thereof not less than  
12 ten (10) days prior to the date of the first such hearings  
13 along each and every street upon which the property proposed  
14 to be reclassified abuts. In case a majority of the property  
15 proposed to be reclassified has been subdivided into parcels  
16 of one (1) acre or less in area, such notices shall be placed  
17 not more than five hundred (500) feet apart and such posting  
18 shall extend along said street or streets a distance of not  
19 less than five hundred (500) feet from the exterior limits of  
20 such properties as are proposed for reclassification. In  
21 the case of all other property proposed to be reclassified  
22 such notices shall be placed not more than one (1) mile apart.  
23 Each notice shall consist of the words, "Notice of proposed  
24 change of zoning", printed in plain type with letters not  
25 less than one (1) inch in height, and in addition thereto  
26 a statement in small type setting forth a general description  
27 of the property involved in the proposed change of district,  
28 the time and place at which the public hearings on the  
29

1 to the date of the first of such hearings to the owners of  
2 all property within the posting areaabove defined, using for  
3 this purpose the last known name and address of such owners  
4 as shown upon the records of the Assessor of the County.

5 36.3 Any failure to post public notices or to mail  
6 notices as aforesaid shall not invalidate any proceedings  
7 for amendment of this ordinance.

8 36.4 Following the aforesaid hearings the Planning  
9 Commission shall make a report of its findings and recom-  
10 mendations with respect to the proposed amendment and shall  
11 file with the Board of Supervisors an attested copy of such  
12 report within ninety (90) days after date of the meeting  
13 at which said Commission set the times and places for said  
14 hearings. Failure of the Planning Commission so to report  
15 within said ninety (90) days shall be deemed to be approval  
16 of the proposed amendment by said Planning Commission.

17 36.5 Upon receipt of such report from the Planning Com-  
18 mission or upon the expiration of such ninety (90) days  
19 as foresaid, the Board of Supervisors shall set the matter  
20 for public hearing after notice thereof and of the proposed  
21 amendment, given as provided by law. After the conclusion  
22 of such hearing the Board of Supervisors may adopt the  
23 amendment or any part thereof set forth in the petition or  
24 in the resolution of intention in such form as said Board  
25 may deem to be advisable; provided, however, that if the  
26 report of the Planning Commission be unfavorable and recommends  
27 disapproval of said proposed amendment no hearing need be held  
28 by said Board of Supervisors, and said Board may immediately  
29

1 rendered within sixty (60) days after the receipt of a report  
2 and recommendations from the Planning Commission or after  
3 the expiration of such ninety (90) days, as aforesaid:

4 36.7 Upon the consent of the Planning Commission any  
5 petition for an amendment may be withdrawn upon the written  
6 application of a majority of all the persons who signed  
7 such petition. The Board of Supervisors or the Planning  
8 Commission, as the case may be, may by resolution, abandon  
9 any proceedings for an amendment initiated by its own  
10 resolution of intention, provided that such abandonment may  
11 be made only when such proceedings are before such body for  
12 consideration and provided that any hearing of which public  
13 notice has been given shall be held.

14 SECTION 5.

15 This ordinance shall be and is hereby declared to be in full  
16 force and effect from and after thirty (30) days after the date  
17 of its passage.

18 Passed and adopted by the Board of Supervisors of Santa Clara  
19 County, State of California, on the 29th day of December,  
20 1947, by the following roll call vote:

21 AYES: Supervisors: Brown, Cooley, McKinnon, Pfeifle, Wool

22 NOES: Supervisors: None

23 ABSENT: Supervisors: None

24 W. O. Wool  
25 Chairman of the Board of Supervisors of  
26 the County of Santa Clara, State of California.

27 ATTEST:

28 ALBERT J. NEWLIN

29 County Clerk and ex-officio clerk of the  
30 Board of Supervisors of the County of Santa  
Clara, State of California.