

Note	SIC Ref.	
19	5945	Hobby, Toy and Game Stores  Exclusions: Retail stores offering merchandise classifiable as 5947.
20	5946	Camera and Photo Supply Stores  Exclusions: On site photofinishing, see SIC 7395.
21	5947	Gifts, Novelty and Souvenir Stores  Definition: Retail store offering predominantly impulse items, items with local place names and other items as defined in the SIC code.
22	5948	Luggage and Leather Good Stores  Exclusions: Retail sales of a limited line of items classifiable as 5947.
23	5999	Art Dealers  Definition: Retail sales of art objects including, but not limited to, paintings, graphic arts, sculpture, glass, etc.  Special findings required, see Section 1308.2.7.
24	5961	Mail Order Houses  Conditions: 1) Limited to an ancillary use in conjunction with a primary retail outlet; or 2) Offices of mail order houses with no retail outlet.
26	701	Hotels and Motels - CC and SC Districts  Definition: Motel or hotel establishments of five or more units. See also Section 1350.74.  Conditions: 1) <u>Limited to hotels and motels in existence as of 1984.</u> <u>Additional units prohibited.</u> 2) No kitchen or food preparation areas allowed in units.

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CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

ORDINANCE NO. 84-14

AN ORDINANCE AMENDING PART X OF THE MUNICIPAL CODE REDEFINING COMMERCIAL LAND USE DISTRICT BOUNDARIES, THE DISTRIBUTION OF LAND USES, AND THE DEVELOPMENT REGULATIONS WITHIN EACH DISTRICT IN CONFORMANCE WITH THE CITY'S GENERAL PLAN

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WHEREAS, the citizens of the City of Carmel-by-the-Sea have worked diligently for over two years in the preparation of a new General Plan; and

WHEREAS, the City Council did adopt all the elements of this new General Plan; and

WHEREAS, the purpose of a General Plan is to establish the City's land use policies and provide a guide for the direction of future development; and

WHEREAS, Section 65860 of the State Government Code requires that city zoning be consistent with the City's General Plan; and

WHEREAS, existing ordinances affecting land use and future development are inconsistent with the new General Plan; and

WHEREAS, new ordinances have been prepared based on land use studies and the goals, objectives and policies of the new General Plan; and

WHEREAS, the proposed ordinances designate new zoning boundaries and redefine the distribution of land uses within these zones consistent with the General Plan; and

WHEREAS, the proposed ordinances also establish new development regulations and provide objective criteria for land use decision making; and

WHEREAS, drafts of the proposed ordinances have been extensively reviewed in public hearings before the Planning Commission and the City Council; and

WHEREAS, these drafts have been revised where appropriate to reflect public input and to better interpret and implement the General Plan; and

WHEREAS, an Environmental Impact Report was prepared for the General Plan; and

WHEREAS, the proposed ordinance to implement the General Plan is intended to improve the physical and human environmental quality of the community and will have no significant adverse impact on the environment; and

WHEREAS, the Planning Commission and the City Council find these ordinances to be consistent with the intent of the General Plan, based on its goals, objectives, and policies to maintain health, safety and general welfare of Carmel-by-the-Sea;

NOW, THEREFORE, the City Council of the City of Carmel-by-the-Sea does ordain as follows:

SECTION ONE

Section 1302.2 of Article 2 of Division 1 of Part X of the Municipal Code is amended in its entirety and is replaced by Sections 1302.2.0 through 1302.2.7. A full text of these Sections is attached as Exhibit "A" and incorporated herein by reference.

SECTION TWO

Article 4 of Division 1 of Part X of the Municipal Code entitled "Regulations for Commercial Districts" is amended in its entirety and is replaced by Article 4, "General Development Regulations". A full text of this Article is attached as Exhibit "B" and incorporated herein by reference.

SECTION THREE

Article 5 of Division 1 of Part X of the Municipal Code entitled "Special Zones Within the Commercial Districts" is amended in its entirety and is replaced by Article 5 "Design Regulations for Commercial Districts". A full text of this Article is attached as Exhibit "C" and incorporated herein by reference.

SECTION FOUR

Article 6 of Division 1 of Part X of the Municipal Code entitled "Central Commercial District Zone C-1-C" is amended in its entirety and is replaced by Article 6 "Special Overlay Districts". A full text of this Article is attached as Exhibit "D" and incorporated herein by reference.

SECTION FIVE

Article 8 of Division 1 of Part X of the Municipal Code entitled "Service Commercial District Zone C-1-S" is amended in its entirety and is replaced by Article 8 "Findings Required for Permits and Approvals". A full text of this Article is attached as Exhibit "E" and incorporated herein by reference.

SECTION SIX

The following amendments are made to Article 9 of Division 1 of Part X of the Municipal Code:

1. Section 1309.65 is amended to read as follows: "Landscaping Required: landscaping on every site shall conform to the requirements of Article 5, Sections 1305.1.13, 1305.1.14 and 1305.1.14 (a)."
2. Section 1309.69 is hereby repealed.
3. Sections 1309.50 through 1309.52.1 are amended in their entirety and are replaced by Sections 1309.50 through 1309.52, attached as Exhibit "F" and incorporated herein by reference.

#### SECTION SEVEN

Section 1342.4 of Article 2 of Division 4 of Part X of the Municipal Code is amended to read as follows:

1342.4 CONDITIONS. The Board of Adjustments shall establish conditions for use permits which are determined to be necessary to carry out the goals, objectives and policies of the General Plan and the purpose and intent of all City ordinances related to the requested use.

#### SECTION EIGHT

Sections 1351.16.1 and 1351.16.2 are added to Division 5 of Part X of the Municipal Code as attached in Exhibit "G" and incorporated herein by reference.

#### SECTION NINE

Sections 1342.3 and 1342.3.3 are hereby repealed.

#### SECTION TEN

The following substitutions are made throughout Article 4A of Division 1 of Part X of the Municipal Code:

1. Wherever C-1-C appears, substitute CC.
2. Wherever C-1-S appears, substitute SC.
3. Wherever C-1-L appears, substitute RC.

#### SECTION ELEVEN

Violations. Any person, firm or corporation, whether as principal or agent, employee or otherwise violating or causing or permitting the violation of the provisions of this ordinance, is guilty of an infraction. Any building erected or demolished, or any use established, converted or changed contrary to the provisions of this ordinance is hereby declared to be unlawful and a public nuisance and the City Attorney shall, upon order of the City Council, immediately commence action for the abatement and removal thereof. The remedy provided herein is cumulative and not exclusive.

SECTION TWELVE

Should any person, firm or corporation violate the terms of this ordinance, and any action is authorized by the City Council or the City Attorney, or is in fact filed for said violations, no other actions shall be taken on any applications filed by or on behalf of said person, firm, or corporation, until the litigation has been resolved.

SECTION THIRTEEN

Severability. If any part of this ordinance is found unenforceable, such finding shall not affect the enforceability of any other part.

SECTION FOURTEEN

Effective Date. This ordinance shall take effect thirty (30) days after its final passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Carmel-by-the-Sea this 3rd day of July, 1984, by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Arnold, Maradei, Stephenson, Townsend
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Wright

Signed:

Charlotte F. Townsend  
Charlotte F. Townsend, Mayor

Attest:

Jeanne Brehmer  
Jeanne Brehmer  
City Clerk thereof