

ORDINANCE NO. 440

1 AN ORDINANCE OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA,  
2 APPLYING CERTAIN REGULATIONS TO THE ERECTION OR CONSTRUCTION OF  
3 CERTAIN BUILDINGS, STRUCTURES AND IMPROVEMENTS AND TO CERTAIN USES  
4 OF LAND IN CERTAIN AREAS, PENDING THE ADOPTION BY THE BOARD OF  
5 SUPERVISORS OF SAID COUNTY OF PRECISE ZONING PLANS FOR SUCH AREAS;  
6 AND PRESCRIBING THE PENALTIES FOR THE VIOLATION OF ANY OF THE  
7 PROVISIONS HEREOF, AND DECLARING THIS ORDINANCE TO BE AN URGENCY  
8 MEASURE, TO TAKE EFFECT IMMEDIATELY.

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

11 SECTION 1.

12 The Board of Supervisors of the County of Santa Clara, State of  
13 California, having adopted a zoning ordinance under the provisions  
14 of which zoning ordinance precise zoning regulations may be applied  
15 in any unincorporated area of said county, said Board of  
16 Supervisors hereby declares it to be its intention to instruct the  
17 County Planning Commission to proceed to prepare zoning studies  
18 for certain portions of the unincorporated territory of said  
19 county, and to adopt zoning plans for said portions of the unin-  
20 corporated territory of said county in the manner prescribed by  
21 law. Said Board of Supervisors hereby finds that owing to the  
22 territorial extent of said portions of the unincorporated  
23 territory of said county, the diversity of interests therein and  
24 the necessity for the making of maps of careful studies and a  
25 thorough analysis of facts in the preparation of the aforesaid  
26 zoning plans, considerable time will necessarily elapse before the  
27 adoption of said plans and that certain regulations of an  
28 interim or emergency nature are necessary to be adopted at this  
29 time in order to protect the public interest, health, comfort  
30 and convenience and to preserve the public peace, safety and  
31 welfare pending the preparation and adoption of the aforesaid

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ALBERT J. NEWLIN, Clerk

DEPUTY

*Handwritten signatures and initials:*  
- [Signature] -  
- [Signature] -  
- [Signature] -

1 zoning plan. Said regulations are hereafter in this ordinance set  
2 forth and constitute Section 2 thereof.

3 SECTION 2.

4 No person, firm or corporation shall hereafter within those por-  
5 tions of the unincorporated territory of said county of Santa Clara  
6 which are set forth, and specified in Section 3 of this ordinance  
7 erect or construct any building or structure designed and/or intended  
8 to be used or occupied for any use other than a single family  
9 dwelling, or establish any multiple family, auto court, commercial  
10 or industrial business or use until a permit therefor shall first  
11 have been secured from the Board of Supervisors of said county.

12 Application for any such permit shall be made to the Board of  
13 Supervisors of said county. Said application shall be referred to  
14 the County Planning Commission and said County Planning Commission  
15 shall consider in detail any such application within fifteen (15)  
16 days after the filing thereof and shall thereupon report its  
17 recommendations with respect thereto to the Board of Supervisors.

18 Said Board of Supervisors shall consider such application and  
19 report at its next succeeding meeting following receipt of such  
20 report from the Planning Commission. Said Board of Supervisors may  
21 issue such permit if it shall find that the proposed building and/or  
22 structure, and its occupancy and use will not be detrimental to  
23 the character or development of the aforesaid territory and will not  
24 otherwise adversely affect the welfare of said territory and/or  
25 said county

26 SECTION 3.

27 The portions of the unincorporated territory of said county which  
28 are referred to in Section 2 of this ordinance are as follows,  
29 to-wit:

30 That unincorporated portion of the County of Santa Clara generally  
31 known as the Evergreen District and more particularly described as

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follows, to-wit:

Commencing at a point two-hundred (200) feet northerly of the easterly end of Norwood Avenue; thence running westerly and parallel with said northerly line of Norwood Avenue for the full length thereof and projection thereof westerly to a point two-hundred (200) feet westerly of the westerly line of King Road; thence southeasterly and parallel to said westerly line of King Road, to a point two-hundred (200) feet southerly of the southerly line of Yerba Buena Road, if the same were projected westerly to King Road; thence easterly and parallel with the southerly line of Yerba Buena Road if the same were projected westerly to King Road, to the easterly end of said Yerba Buena Road; thence on an angle northwesterly to the point of beginning.

1 SECTION 4.

2 It shall be the duty of the sheriff of the County of Santa Clara,  
3 State of California, and of all officers of said county herein  
4 and/or otherwise charged by law with the enforcement of this  
5 ordinance to enforce this ordinance and all the provisions of the  
6 same.

7 Any person, firm or corporation, whether as principal, agent,  
8 employee or otherwise, violating any of the provisions of this  
9 ordinance shall be guilty of a misdemeanor, and upon conviction  
10 thereof shall be punishable by a fine of not more than three hundred  
11 (300) dollars or by imprisonment in the county jail of said County  
12 of Santa Clara for a term not exceeding three (3) months or by  
13 both such fine and imprisonment. Such person, firm or corporation  
14 shall be deemed guilty of a separate offense for each and every  
15 day during any portion of which any violation of this ordinance  
16 is committed, continued or permitted by such person,  
17 firm or corporation, and shall be punishable as herein provided.

18 SECTION 5.

19 If any section, sub-section, sentence, clause or phrase of this  
20 ordinance is for any reason held by a court of competent juris-  
21 diction to be invalid, such decision shall not affect the validity  
22 of the remaining portions of this ordinance. The Board of  
23 Supervisors hereby declares that it would have passed this ordi-  
24 nance and each section, sub-section, sentence, clause and phrase  
25 thereof, irrespective of the fact that any one or more sections,  
26 sub-sections, sentences, clauses or phrases be held invalid.

27 SECTION 6.

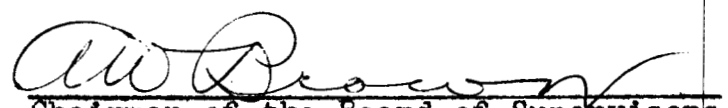
28 This ordinance is hereby declared to be an urgency measure and  
29 shall be in full force and effect immediately upon its adoption.  
30 The facts constituting such urgency are as follows:

31 The unregulated erection or construction of buildings or structures

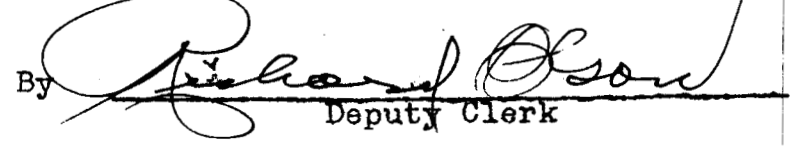
1 designed and/or intended to be used or occupied for multiple family,  
2 auto court, commercial or industrial purposes, and the unregulated  
3 establishment of multiple family, auto court, commercial or industrial  
4 businesses or uses within the aforesaid portion of the unincorporated  
5 territory of said county would injure the public health, safety,  
6 peace, comfort and general welfare of said county and particularly of  
7 the neighborhood within said territory. The Board of Supervisors  
8 of said county believes that various persons intend to erect or  
9 construct such buildings or structures for such uses, and to establish  
10 such businesses or uses within said territory and that said persons  
11 will do so unless prevented from so doing by the immediate adoption  
12 of this ordinance.

13 Passed and adopted by the Board of Supervisors of the County of  
14 Santa Clara, State of California, on the 14th day of November,  
1949, by the following roll call vote:

- 15 AYES: Supervisors, Campbell, McKinnon, Pfeifle, Wool, Brown  
16 NOES: Supervisors, None  
17 ABSENT: Supervisors, None

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

ATTEST: ALBERT J. NEWLIN  
County Clerk and ex-officio clerk of  
the Board of Supervisors of the  
County of Santa Clara, State of  
California.

By   
Deputy Clerk