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Mixed Use.ord3
11/18/09



ORDINANCE NO. 4836

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Section 1. Section 17.14.230 of Chapter 17.14 of Title 17 of the El Dorado County Ordinance Code is hereby added as follows:

17.14.230 Mixed-Use Development

A. Purpose and Intent.

The purpose of this chapter is to provide housing and employment opportunities in proximity in order to more fully and efficiently utilize available land in Rural Centers and Community Regions. It is further the intent of this section to encourage the development of affordable housing and pedestrian-oriented communities, to maintain access to commercial businesses, to enhance the core areas of existing community and rural centers while protecting historical and cultural amenities and to provide incentives for such development.

B. Definition.

Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

C. Applicability.

Residential development may occur with permitted commercial development as provided in Chapter 17.32 where the standards established in §17.14.230 are met.

D. Residential uses are allowed on separate parcels as the residential component of a mixed-use development. The residential component of a mixed-use development project may include a full range of single family and/or multi-family residential design concepts.

E. Mixed Use Development Limitations. The following criteria shall apply to all mixed use development projects:

1. At least 30% of the gross floor area of the mixed-use development project shall be devoted to commercial uses. "Gross floor area" does not include inner courts, stairwells or exterior balconies.

2. Construction of the residential development shall occur following or concurrently with the construction of the commercial development of the site.

3. Project Phasing. Mixed-use development projects may be developed in phases.

F. Development Standards.

1. The maximum density for residential units in mixed-use developments shall be sixteen (16) dwelling units per acre in Community Regions, four (4) dwelling units per acre in Rural Centers or developments without a public sewer connection, and is prohibited on Platted Lands designated commercial in Rural Regions;

2. Minimum dwelling unit area shall comply with California Building Code;

3. Minimum yard: may be built to property lines (back of sidewalk) or other publicly accessible area;

4. Mixed-use development may combine up to 20 percent (20%) of the required residential parking spaces with the commercial spaces as required pursuant to Chapter 17.18 except where the proposed commercial use will operate during evening or nighttime hours;

5. A minimum of one dedicated parking space per dwelling units must be provided;

6. Off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.

7. All mixed-use development shall provide pedestrian walkways or sidewalks connecting the residential and commercial uses to each other as well as to adjacent commercial, residential, and civic uses, providing for pedestrian safety.

8. All mixed-use development shall contain complementary and connected uses that are mutually supportive of each use and are integrated into the community or neighborhood it is located.

G. Findings:

To assure the proposed development meets the intent of this section for mixed-use development and in addition to the findings in section 17.04.030(B), the following findings shall be made prior to approving a mixed-use project.

1. Community integration: Development integrates into the existing and planned community and creates an appropriate internal and external human scale, providing for pedestrian comfort and amenities.

2. Land use, building and site layout: The development is an integrated project with significant functional interrelationships and a coherent physical design.

Section 2. Section I of Chapter 17.32 of Title 17 of the El Dorado County Ordinance Code is hereby amended to read as follows:

COMMERCIAL (C) DISTRICTS

Sections:

- 17.32.010 Applicability.
- 17.32.020 Uses permitted by right.
- 17.32.025 Uses requiring a Planned Development.
- 17.32.030 Uses requiring special use permit.
- 17.32.040 Development standards.

17.32.010 Applicability. The regulations set forth in Sections 17.32.020 through 17.32.040 shall apply to all C districts (commercial districts) and shall be subject to the provisions of Chapters 17.14, 17.16 and 17.18. (Prior code §9413(part))

17.32.020 Uses permitted by right. The following uses are allowed by right, without special use permit or variance:

- A. Any use, except one-family and multiple-family dwellings and mobile home parks, allowed by right or special use permit in RT tourist residential zones;
- B. Office, bank, studio, eating and drinking establishment and used retail sale other than those enumerated in subsection E of this section, retail repair and service exclusive of automobile service, service station, parking lot;
- C. Accessory use and structure;

- D. Two signs not exceeding fifty square feet in total area of any one display surface, or one sign not exceeding eighty square feet in area, advertising authorized activities on the premises;
- E. Places of entertainment, appliance store and repair (new and used), antique store and furniture store, second-hand store, when they are fully enclosed in a building;
- F. Reserved;
- G. Health facility;
- H. Community care facility. (Ord. 3992 §1(part), 1988: Ord. 3606 §41, 1986: Ord. 3419 §12, 1984: prior code §9413(a))

17.32.025 Uses Requiring a Planned Development.

- A. Mixed-use development, (subject to provision in 17.02; Planned Development General Provision, 17.04; Planned Development Procedure, and 17.14.230; Miscellaneous Development Requirements for Mixed Use Development).

17.32.030 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefore from the planning commission:

- A. New and used automobile sale and repair, bulk petroleum sale and storage; provided, however, that used automobile sale and repair shall not be deemed to include automobile dismantling, junking or wrecking operation;
- B. Animal clinic or shelter;
- C. Mobile home park;
- D. All uses enumerated in subsection E of Section 17.32.020 when they are not fully enclosed in a building;
- E. Other sign sizes and applicable general provisions as itemized in Chapters 17.14, 17.16 and 17.18;
- F. Airports, heliports and their accessory uses and structures;
- G. Reserved;
- H. Recreational vehicle parks, campgrounds and their accessory uses and structures;

17.32.040 Development standards. The following provisions shall apply to all C districts, except for Mixed-use developments (subject to provisions under 17.02; Planned Development General Provision, 17.04; Planned Development Procedure, and 17.14.230; Miscellaneous Development Requirements for Mixed Use Development) and unless and until a variance is obtained from the planning commission:

- A. Minimum lot area, five thousand square feet.
- B. Maximum building coverage, sixty percent of the lot;
- C. Minimum lot width, fifty feet;
- D. Minimum yard: front, ten feet; sides and rear, five feet, or zero feet and fireproof wall without opening; provided, however, that all hotels, motels or multifamily dwellings shall have at least five feet side and rear yards;
- E. Maximum building height, fifty feet.

Section 3. Section II of Chapter 17.32 of Title 17 of the El Dorado County Ordinance Code is hereby amended to read as follows:

PROFESSIONAL OFFICE COMMERCIAL (CPO) DISTRICTS

Sections:

- 17.32.050 Purpose.
- 17.32.060 Uses requiring site plan approval.
- 17.32.070 Uses requiring special use permit.
- 17.32.080 Development standards.

17.32.050 Purpose. The purpose of the CPO districts is to provide land use areas for the development and use of professional, administrative and business offices and related uses located in proximity to residential uses. It is intended that Sections 17.32.050 through 17.32.080 shall provide for an environment which will be in harmony with adjacent existing and proposed developments and shall provide a transition or buffer zone between residential and more intensive land uses. (Prior code §9413.2(A))

17.32.060 Uses requiring site plan approval.

A. The following uses are permitted without special use permit, but only after obtaining approval of the site plan therefore, from the planning director who shall act thereon within fifteen days after submittal. The planning director shall find that the proposed uses, architectural design, building siting, landscaping, parking and signs will be compatible and harmonious with existing and proposed adjacent developments and any contiguous like uses. If the applicant is not satisfied with the requirements or actions of the planning director, the applicant may request a review by the planning commission which shall hear the site plan review within thirty days of the request. Decisions of the planning commission may be appealed pursuant to the provisions of Chapter 17.08.

B. The provisions of Chapters 17.14, 17.16 and 17.18 shall apply to such uses as listed below:

1. Dental clinics;
2. Professional offices for the use of accountants, architects, attorneys, banks, dentists, doctors, engineers, insurance, investment companies, real estate companies, savings and loan companies, surveyors and general business offices of an administrative or service nature to the exclusion of on-site retail or wholesale trade;
3. Coffee shops, newsstands, similar service accessory use to be located totally within an office building with no entrance directly from the street nor a sign visible from the street and of such a scope and nature as may be expected to generate patronage substantially from tenants of the office complex or building;
4. Drug and prescription sales accessory to a medical office or clinic to be located totally within an office building with no entrances directly from the street nor any sign visible from the street;
5. Reserved;
6. The following sign regulations shall apply in all professional office commercial zones:
 - a. No sign shall face any adjacent residential zoning district,
 - b. One freestanding sign, not exceeding fifty square feet on any display area, not exceeding the maximum elevation of the roof line of the building or complex advertised,
 - c. Wall signs when designed as an integral part of the building or complex and relating only the name and use of the building or complex. Such wall signs may also contain the names and specialties of the occupants when no freestanding sign is utilized,

d. Total sign area of paragraphs c and d combined shall not exceed fifty square feet, and

e. One nameplate not exceeding three square feet with letters and symbols not exceeding twelve square inches each and signifying the name and specialty of the occupant;

7. Health facility;

8. Community care facility. (Ord. 3992 §2(part), 1988: Ord. 3419 §14, 1984: prior code §9413.2(B))

17.32.065 Uses requiring a Planned Development.

1. Mixed-use development, (subject to provisions under 17.02; Planned Development General Provision, 17.04; Planned Development Procedure, and 17.14.230; Miscellaneous Development Requirements for Mixed Use Development),

17.32.070 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefore from the planning commission or zoning administrator:

A. Veterinary office or clinic when totally enclosed within a building;

B. Business and professional schools and schools of the arts;

C. Veterans or fraternal organizations of a nonprofit nature; or

D. Public buildings and public utilities buildings of a type and nature deemed compatible by the planning commission or planning director with the intent of this article;

17.32.080 Development standards. The following provisions shall apply in all CPO districts, except for mixed-use development (subject to provisions under 17.02; Planned Development General Provision, 17.04; Planned Development Procedure, and 17.14.230; Miscellaneous Development Requirements for Mixed Use Development), and unless and until a variance is obtained from the planning commission:

A. Minimum lot area, six thousand square feet;

B. Maximum building coverage, fifty percent of the lot;

C. Minimum lot width, sixth feet;

D. Minimum landscaping area, ten percent of the gross lot area;

- E. Minimum yards: front, twenty feet; five feet sides; and fifteen feet rear; multifamily dwelling structures shall have at least fifteen feet side and rear yards; and
- F. Maximum building height, thirty five feet;
- G. Density: the maximum density shall be no greater than the highest density established by the adopted general plan land use element. (Ord. 3237 §5, 1982; prior code §9413.2(D))

Section 4. Section IV of Chapter 17.32 of Title 17 of the El Dorado County Ordinance Code is hereby amended to read as follows:

PLANNED COMMERCIAL (CP) DISTRICTS

Sections:

- 17.32.130 Applicability.
- 17.32.140 Uses requiring site plan approval.
- 17.32.145 Uses requiring a Planned Development.
- 17.32.150 Uses requiring special use permit.
- 17.32.160 Development standards.

17.32.130 Applicability. The regulations set forth in Sections 17.32.130 through 17.32.160 shall apply in all CP districts and shall be subject to the provisions of Chapters 17.14, 17.16 and 17.18. (Prior code §9418(part))

17.32.140 Uses requiring site plan approval. The following uses are allowed without special use permit or variance, but only after obtaining approval of the site plan therefore from the planning director, who shall act thereon within fifteen days after submittal of the site plan. If the applicant is not satisfied with the action of the planning director, the applicant may request the review of the action by the planning commission:

- A. Any use, except one family and multiple family dwellings and mobile home parks, allowed by right or special use permit in RT tourist residential zones;
- B. Office, bank, studio, eating and drinking establishment and used retail sale other than those enumerated in subsection E of this section, retail repair and service exclusive of automobile service, service station, parking lot;
- C. Accessory use and structure;
- D. Two signs not exceeding fifty square feet in total area of any one display surface, or one sign not exceeding eighty square feet in area, advertising authorized activities on the premises;

- E. Places of entertainment, appliance store and repair (new and used), antique store and furniture store, second hand store, when they are fully enclosed in a building;
- F. Reserved;
- G. Health facility;
- H. Community care facility. (Ord. 3992 §3(part), 1988: Ord. 3606 §43, 1986: Ord. 3419 §13, 1984: prior code §9418(a))

17.32.145 Uses requiring a Planned Development.

- A. Mixed-use development (subject to provisions under 17.02, 17.04, and 17.14.230).

17.32.150 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefore from the planning commission:

- A. New and used automobile sale and repair, bulk petroleum sale and storage; provided, however, that used automobile sale and repair shall not be deemed to include automobile dismantling, junking or wrecking operations;
- B. Animal clinic or shelter;
- C. Mobile home park;
- D. All uses enumerated in subsection E of Section 17.32.140 when they are not fully enclosed in a building;
- E. Other sign sizes and applicable general provisions as itemized in Chapters 17.14, 17.16 and 17.18;
- F. Airports, heliports and their accessory uses and structures;
- G. Recreational vehicle parks, campgrounds and their accessory uses and structures;

17.32.160 Development standards. The following provisions shall apply in all CP districts, except for Mixed-use developments (subject to provisions under 17.02, 17.04 and 17.14.230), and unless and until a variance is obtained from the planning commission:

- A. Minimum lot area, five thousand square feet;
- B. Maximum building coverage, sixty percent of the lot;

- C. Minimum lot width, fifty feet;
- D. Minimum yards: front, ten feet; sides and rear, five feet, or zero feet and fireproof wall without opening; provided, however, that all hotels, motels or multifamily dwelling structures shall have at least five foot side and rear yards;
- E. Maximum building height, fifty feet;
- F. Density: the maximum density shall be no greater than the highest density established by the adopted general plan land use element. (Ord. 3237 §6, 1982; prior code §9418(c))

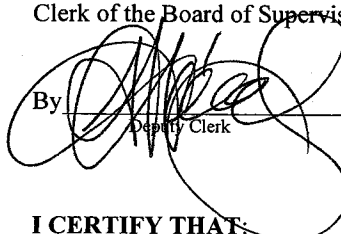
Section 5. This ordinance shall become effective thirty (30) days following adoption hereof.

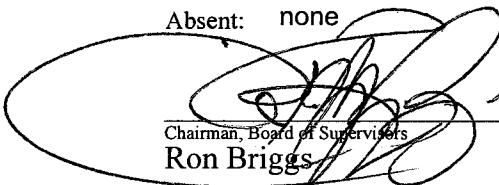
PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 10th day of December, 2009, by the following vote of said Board:

Ayes: Knight, Sweeney, Nutting, Santiago

ATTEST
SUZANNE ALLEN DE SANCHEZ
Clerk of the Board of Supervisors

Noes: Briggs
Absent: none

By  _____
Deputy Clerk

 _____
Chairman, Board of Supervisors
Ron Briggs

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: SUZANNE ALLEN DE SANCHEZ, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk