

Attachment A

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ORDINANCE NO. _____

**ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
ADDING CHAPTER 21.17 TO TITLE 21 (NON-COASTAL ZONING) OF THE
MONTEREY COUNTY CODE AND AMENDING CHAPTER 21.06 RELATING TO
ESTABLISHMENT OF A MIXED USE ZONING DISTRICT**

County Counsel Summary

This ordinance adds Chapter 21.17 to Title 21 (non-coastal zoning) of the Monterey County Code to establish a Mixed Use zoning district. The Mixed Use District establishes permissible uses, permit requirements, development standards, and land use regulations governing development within the Mixed Use Districts in the unincorporated non-coastal area of Monterey County. This ordinance also adds definitions to Chapter 21.06 of Title 21 and amends section 21.67.040 related to the Mixed Use District regulations. This ordinance implements Policy LU-2.33.c of the 2010 Monterey County General Plan.

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

SECTION 1. Findings and declarations.

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect the public health, safety, and welfare of its citizens.

B. On October 26, 2010, pursuant to California Government Code Section 65350 *et seq.*, the Board of Supervisors of the County of Monterey adopted a comprehensive update to the County General Plan, referred to as the *2010 Monterey County General Plan*, for the unincorporated non-coastal area of the County (“General Plan”) (Board of Supervisors Resolution No. 10-291).

C. Policy LU-2.33, subdivision (c), of the General Plan establishes a “Mixed Use” land use designation for the unincorporated non-coastal areas of the County. The current Monterey County non-coastal zoning ordinance, Title 21 of the Monterey County Code, does not contain a Mixed Use zoning district.

D. This ordinance would add a “Mixed Use” District to Title 21 of the Monterey County Code to implement the General Plan and provide consistency between County’s non-coastal zoning ordinance and the General Plan.

E. On October 26, 2010, the Board of Supervisors of Monterey County certified an Environmental Impact Report (EIR) prepared for the General Plan (Resolution No. 10-290). The EIR evaluated environmental impacts associated with implementation of the General Plan, including changes in land use designations. This ordinance implements the General Plan by establishing regulations for development in the Mixed Use District. Pursuant to Section 15162

of the California Environmental Quality Act Guidelines, no subsequent environmental review is required for this ordinance because the effects of establishing the Mixed Use District were analyzed in the General Plan EIR and no substantial changes in project description, substantial changes in circumstances, or new information of substantial importance leading to new significant effects or a substantial increase in the severity of previously identified effects has been identified.

SECTION 2. Section 21.06.655 is added to the Monterey County Code to read as follows:

21.060.655 - Horizontal Mix.

“Horizontal Mix” means, on an individual lot, a mix of uses designed to incorporate pedestrian oriented uses along the front of a lot with other uses at the rear of a lot or, within a proposed subdivision, a lot design that incorporates residential and non-residential uses on individual lots in a block or street pattern.

SECTION 3. Section 21.06.1345 is added to the Monterey County Code to read as follows:

21.060.1345 - Vertical Mix.

“Vertical Mix” means a development with residential uses above non-residential uses where non-residential uses on the ground floor are oriented to promote walkability along a block or road segment.

SECTION 4. Chapter 21.17 is added to the Monterey County Code to read as follows:

Chapter 21.17
REGULATIONS FOR MIXED USE OR “MU” DISTRICTS

Sections:

- 21.17.010 Purpose.
- 21.17.020 Applicability.
- 21.17.030 Uses Allowed.
- 21.17.040 Uses Allowed – Use Permit and General Development Plan required in each case (Chapter 21.74)
- 21.17.050 General Development Plan.
- 21.17.060 Site Development Standards.

21.17.010 - Purpose.

The purpose of this Chapter is to provide a district to accommodate a mix of residential and non-residential uses that are designed and constructed to encourage activity centers and pedestrian orientation and to allow flexibility in land use and design not available in other districts by providing for an integrated mix of varied, compatible, and synergistic uses that contribute to a self-sustaining neighborhood. Residential uses within a mixed use development are intended to provide a diverse choice of unit types, sizes, and affordability in a setting

convenient to services, while the arrangement of residential uses with residential-serving businesses should be arranged to promote integration of open space and pedestrian-oriented amenities in a well-designed community. The Mixed Use District is intended to promote: the orderly and gradual infill of existing residential or commercial areas in the County for provision of small town, neighborhood-scale, village center retail and commercial services; to increase the jobs/housing balance by provision of various mixtures of residential and nonresidential uses within existing commercial core areas; to promote diversity of housing stock in the County's communities; and to allow transit-oriented development within the County's existing or future transit stops, or within an existing commercial center or mixed-use center.

21.17.020 - Applicability.

The regulations of this Chapter shall apply in all "MU" Districts.

21.17.030 - Uses allowed.

- A. All uses listed as a use allowed in an approved General Development Plan applicable to the lot on which the use will be located;
- B. Change of uses within a structure provided the new use is of a similar character to uses listed as Uses Allowed within a General Development Plan and such change does not change the nature or intensity of the use;
- C. The first single family dwelling per lot;
- D. Non-habitable accessory structures and accessory uses to any permitted use;
- E. Home occupations, pursuant to Section 21.64.090;
- F. Water system facilities including wells and storage tanks serving four (4) or fewer service connections, pursuant to Chapter 15.04 of the 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 Chief of Planning;
- G. Accessory dwelling unit meeting the development standards of Section 21.64.030;
- H. Homeless shelter, pursuant to Section 21.64.330;
- I. Employee housing providing accommodations for up to six (6) employees;
- J. Supportive housing contained within the housing types listed in this Chapter;
- K. Transitional housing or transitional housing development contained within housing types listed in this Chapter;

L. Other uses of a similar character, density and intensity to those listed in this Section.

21.17.040 - Uses allowed – Use Permit for a General Development Plan required in each case (Chapter 21.74).

- A. Any residential use not exceeding thirty (30) units per acre gross;
- B. Mobile home parks, pursuant to Section 21.64.220;
- C. Residential care home, rest home, sanitariums, convalescent homes;
- D. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, trails, open space, theaters, museums, event spaces, and small scale public safety facilities not including uses such as jails, rehabilitation centers, detention facilities, or corporation yards;
- E. Bed and breakfast facility, pursuant to Section 21.64.100;
- F. Commercial and noncommercial wind energy systems;
- G. Time share uses, pursuant to Section 21.64.110;
- H. Water system facilities including wells and storage tanks serving five (5) or more service connections;
- I. Assemblages of people, such as carnivals, festivals, races, and circuses, not exceeding ten (10) days, and not involving construction of permanent facilities;
- J. Child care center and day care facilities;
- K. Rooming and boarding houses;
- L. Wireless communications facilities, pursuant to Section 21.64.310;
- M. Single room occupancy facilities, pursuant to Section 21.64.033;
- N. Tract sales or rental offices;
- O. Appliance stores;
- P. Barber shop;
- Q. Beauty shop;

- R. Book store;
- S. Clothing and apparel store;
- T. Drug store;
- U. Banks;
- V. Shoe store;
- W. Art gallery;
- X. Neighborhood serving convenience market;
- Y. Stationery and office supply store;
- Z. Photography studio;
- AA. Florist;
- BB. Gift card store;
- CC. Office;
- DD. Locksmith, key and lock shop;
- EE. Bicycle shop;
- FF. Hardware store, excluding lumber sales;
- GG. Picture framing business;
- HH. Pet shop;
- II. Cannabis retailer pursuant to Chapter 21.67;
- JJ. Medical or Urgent Care clinic;
- KK. Personal and business services;
- LL. Eating and drinking establishments;
- MM. Recreation or fitness facility;

- NN. Pet grooming facility;
- OO. Pet care facility;
- PP. Funeral homes;
- QQ. Service centers;
- RR. Auto repair facilities;
- SS. Parking lots;
- TT. Outdoor commercial uses not exceeding ten percent of the floor area of an associated indoor commercial use;
- UU. Hotels and motels;
- VV. Veterinary clinics and animal hospitals;
- WW. Vehicle fueling stations;
- XX. Other uses of a similar character, density, and intensity to those listed in this section;

21.17.050 - General Development Plan.

A. New development, change or expansion of use, or physical improvements may be approved or constructed if such development, use, or improvement is found to be in conformance with an approved General Development Plan.

B. A General Development Plan shall be prepared by the owner of the subject parcel within a Mixed Use District and submitted for review and approval prior to or concurrent with approval of any required discretionary permits for development.

C. A General Development Plan is intended to address the long range development and operation of the mixed use facilities. The purpose of a General Development Plan is to identify multiple uses that may occupy the development, establish operational procedures, and outline the form, mass, and appearance of physical improvements within the development. General Development Plans submitted pursuant to this Chapter shall be provided in the form, and in the manner, established by the Chief of Planning and may contain written descriptions, tables, and maps that, together, provide the following minimum information:

- 1. A written list of land uses allowed within the development and any uses that may be conditionally allowed within the development subject to additional discretionary permitting;

2. All easements on the property, including but not limited to public utility, rights-of-way, access, avigation, drainage, solar/wind, scenic, slope, archaeological, habitat, farmland, rangeland, or visual easements;
3. Circulation and transportation information including existing or proposed roads, driveways, right-of-way improvements, delivery areas, parking areas, mass transit options, pedestrian and bicycle trails, walkways, and infrastructure;
4. Parking program requirements that are supported by a verifiable parking demand study and show feasible access to shared or staggered parking;
5. Landscape concept with the requirement for water use efficiency and the use of native or native-compatible, and non-invasive, drought-tolerant plant species;
6. Exterior lighting plans for all common areas and for lighting on all buildings within the development. Lighting must comply with current County policies and standards;
7. Trash and recycling enclosure locations;
8. Sign program of wayfinding signs, monument signs, and signs for the identification of buildings or tenant spaces that includes requirements for location, size, colors, and readability;
9. Any green building design considerations such as the following: the type and location of renewable energy generation; passive cooling and heating measures; recycled, renewable, or locally-sourced building materials; green roof systems; energy-efficient windows and doors; recycled water and purification systems; and low VOC emitting finishes and flooring;
10. The maximum building occupancies for all non-residential uses;
11. Water supply and wastewater disposal information;
12. Stormwater and drainage improvements;
13. Defensible space, fire suppression systems, and emergency access; and
14. Any other information requested by the Chief of Planning.

D. Integration of Uses: A General Development Plan pursuant to this Chapter shall be subject to the following minimum requirements:

1. A mix of uses shall be provided. Except as provided herein, at least one residential product type and one non-residential product type shall be incorporated in the General Development Plan. For the purposes of this Chapter, different residential product types (e.g., single family, condominium, multifamily, etc.) shall be considered as different use types.

2. A mix of uses may be integrated in a Vertical Mix or Horizontal Mix. In both cases, every effort shall be made to promote walkability and access to non-residential uses, open space, and community centers.

3. Commercial uses shall be small in scale, neighborhood-serving, and compatible with residential uses. In mixed use buildings, the primary residential and non-residential entrances shall be separated.

4. Sidewalks or pathways shall be provided where feasible. Sidewalks and pathways shall be designed to connect public transportation and alternative modes of transportation (e.g., bicycle, car- or van-pool, casual rideshare) with non-residential uses and open space.

5. A General Development Plan may include flexibility of uses if a mechanism is provided to ensure that arrangement of uses is met, and overall intensity of development remains within limits established by the General Development Plan.

E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Chief of Planning when, due to the particular facts and circumstances, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

21.17.060 - Site Development Standards.

A. Setbacks and Interfaces: A General Development Plan shall set forth the minimum setbacks between buildings and property lines, shall address applicability of setback exceptions provided in Section 21.62.040, and shall address the following minimum requirements:

1. The site plan and building design shall adhere to the purpose of the Mixed Use District to accommodate the integration of housing, commercial uses, pedestrian orientation, and open space;

2. Notwithstanding other requirements of this Section, setbacks from the lot lines are not required except as necessary to meet Building Code and Fire Code requirements, unless otherwise noted on the recorded final map, parcel map or Sectional District Map;

3. In the case that a Mixed Use District abuts a residential district, the building setback to the abutting residential district shall be no less than as required by that residential district;

4. Building setbacks abutting County or State designated scenic highways or arterial roads shall be determined on a case-by-case basis, consistent with General Plan policies of the Conservation/Open Space Element to protect scenic resources; and

5. Building setbacks abutting farmland shall be determined on a case-by-case basis, consistent with General Plan policies of the Agricultural Element.

B. **Structure Height:** The maximum height of structures shall be thirty-five (35) feet unless a greater height is approved as part of a General Development Plan to encourage residential uses above non-residential uses, and provided that the additional height is found to be compatible with surrounding land uses.

C. The maximum building coverage shall be 60 percent.

D. **Open Space and Recreation:** A General Development Plan shall provide for common areas, parks, and/or open space areas appropriate to the setting and needs of the Mixed Use District.

SECTION 5. Section 21.67.040.A of the Monterey County Code is amended to read as follows:

A. **Applicability.** The provisions of this Section are applicable in Light Commercial (LC), Heavy Commercial (HC), and Mixed Use (MU) zoning districts. Cannabis retailers shall not be allowed in any other zoning district.

SECTION 6. **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 7. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair, Chris Lopez
Monterey County Board of Supervisors

A T T E S T:

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM BY:

/s/ Wendy S. Strimling

Wendy S. Strimling
Assistant County Counsel