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ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO. 5210, INCLUDING REPEAL OF CHAPTER 130.40.340 OF THE EL DORADO COUNTY ORDINANCE CODE RELATED TO TOBACCO RETAILER LAND USE REGULATIONS

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

Section 1. Ordinance No. 5210, entitled “An Ordinance Adding Tobacco Retailer Land Use Regulations,” is hereby repealed in its entirety, including repeal of Chapter 130.40.340 of Title 130 of the El Dorado County Ordinance Code entitled “Tobacco Retailers.”

Section 2. Section 130.22.020 of Title 130 of the El Dorado County Ordinance Code entitled “Allowed Uses and Permit Requirements for Commercial Zones” is hereby amended to read as follows (deletions in red):

“Sec. 130.22.020 Matrix of Allowed Uses.

Uses are allowed in commercial zones subject to the requirements of this Title as designated in Table 130.22.020 (Allowed Uses and Permit Requirements for the Commercial Zones) below:

Table 130.22.020—Allowed Uses and Permit Requirements for the Commercial Zones

CPO: Commercial, Professional Office CL: Commercial, Limited CM: Commercial, Main Street CC: Commercial, Community CR: Commercial, Regional CG: Commercial, General CRU: Commercial, Rural	P A TUP CUP MUP TMA —	Allowed use (Article 4: Special Use Regulations) Administrative permit required (130.52.010) Temporary use permit required (130.52.060) Conditional Use Permit required(130.52.021) Minor use permit required (130.52.020) Temporary mobile home permit (130.52.050) Use not allowed in zone						
Use Type	CPO	CL	CM	CC	CR	CG	CRU	Specific Use Regulation
Commercial								
Animal Sales and Service: Kennel, Commercial	—	—	—	P	P	P	CUP	

Pet Grooming and Pet Stores	—	P	P	P	P	P	—	
Veterinary Clinic	—	P	P	P	P	P	P	
Automotive and Equipment: Fuel Sales	—	P	CUP	P	P	P	CUP	
Paint and Body Shops	—	—	—	CUP	—	P	CUP	
Repair Shops	—	—	—	CUP	CUP	P	CUP	
Sales and Rental	—	—	—	CUP	CUP	P	CUP	
Vehicle Storage	CUP	—	—	CUP	—	P	CUP	130.40.320
Banks and Financial Services	P	P	P	P	P	P	P	
Bars and Drinking Establishments	CUP	P	P	P	P	P	P	
Brewery Large Commercial	—	—	CUP	P	CUP	P	CUP	
Micro Brewery	CUP	CUP	CUP	CUP	P	P	P	
Brewpub	CUP	P	P	P	P	—	P	
Broadcasting and Recording Studio	P	—	P	P	P	P	—	
Building Supply Store	—	—	—	P	P	P	P	130.40.220
Business Support Services	—	—	P	P	P	P	P	
Child Day Care Center	A	A	A	A	A	CUP	P	130.40.110
Commercial Cannabis	—	—	—	Commercial Cannabis Use Permit required (See Article 4 - Special Use Regulations - Chapter 130.41 - Commercial Cannabis)			—	
Commercial Recreation: Arcade	—	P	P	P	P	P	P	
Indoor Entertainment	—	—	P	P	P	—	—	
Indoor Sports and Recreation	—	P	—	P	P	P	—	
Large Amusement Complex	—	—	—	CUP	CUP	—	—	
Outdoor Entertainment	—	—	CUP	CUP	CUP	—	CUP	
Outdoor Sports and Recreation	—	—	—	—	CUP	—	CUP	130.40.210
Contractor's Office: On-site	A	A	A	A	A	A	A	130.40.190
Off-site	TUP	—	TUP	TUP	TUP	TUP	TUP	
Distillery, Craft	CUP	CUP	CUP	CUP	P	P	P	
Drive-Through Facility	P/CUP ⁶	P/CUP ⁶	P/CUP ⁶	P/CUP ⁶	P/CUP ⁶	P/CUP ⁶	P/CUP ⁶	130.40.140
Employer-sponsored Child Day Care Center	A	A	—	A	A	A	A	130.40.110
Food and Beverage Retail Sale	—	P	P	P	P	P	P	

Free Food Distribution Center	—	—	—	—	—	CUP	CUP	
Funeral and Internment Services	—	P	CUP	P	—	P	CUP	
Lodging Facilities:								130.40.170
Bed and Breakfast Inn	—	CUP	P	P	—	—	P	
Health Resort and Retreat Center	—	—	—	P	—	—	P	
Hotel and Motel	CUP	—	P	P	P	—	P	
Maintenance and Repair	—	—	CUP	P	P	P	P	
Medical Services:								
Hospital	CUP	—	—	P	CUP	CUP	—	
Clinic	CUP	P	P	P	P	—	P	
Long-Term Care Facility	—	CUP		P	—	—	CUP	
Mobile/Manufactured Home Sales Lots	—	—	—	A	—	P	—	130.40.220
Offices:								
Professional	P	P	P	P	CUP	P	P	
Medical	P	P	P	P	CUP	P	P	
Recycling Facilities	—	—	—	P/A	—	P/A	CUP	130.40.280
Restaurant	CUP	P	P	P	P	P	P	
Retail Sales and Service:								
Indoor Sales	—	P	P	P	P	P	P	
Outdoor Sales	—	CUP	CUP	P	CUP	P	P	130.40.220
Temporary Outdoor Sales	A/TUP	TUP ¹	TUP ¹	A/TUP	A/TUP	A/TUP	A/TUP	
Personal Services	P/CUP	P	P	P	P	P	P	
Property Services	—	P	—	P	—	P	P	
Specialized Education and Training	P	P	P	P	—	CUP	—	130.40.230
Storage, Self	—	—	—	CUP	—	P	CUP	130.40.320
Tobacco Retail²	—	P	P	P	P	P	P	130.40.340
Trade School:								
Indoor	CUP	CUP	—	CUP	—	P	CUP	
Outdoor	—	—	—	—	—	CUP	CUP	
Winery:								
Production	—	—	CUP	—	—	P	P	
Full-service Facilities	—	P	CUP	P	—	P	P	
Industrial								
Laundries, Commercial	—	CUP	—	CUP	—	P	P	
Light Manufacturing:	—	—	CUP ²	CUP	—	P	CUP	
Ceramic Products	—	—	CUP ²	CUP	—	P/CUP ³	CUP	
Lightweight Nonferrous Metal Casting Foundry	—	—	CUP ²	CUP	—	P/CUP ³	CUP	
Mineral Exploration and Mining	See Table 130.29.070.1 (Mineral Exploration and Mining)							

Printing and Publishing	—	—	—	CUP	—	P	—	
Research and Laboratory Services	P	—	—	P	—	P	P	
Storage Yard, Equipment and Material:								
Permanent	—	—	—	—	—	P	CUP	130.40.320
Temporary	TUP	—	—	TUP	TUP	TUP	TUP	
Wholesale Storage and Distribution	—	—	—	CUP	—	P	CUP	
Agricultural								
Nursery, Commercial Retail	—	P	CUP	CUP	—	P	P	
Packing: Off -site Products	—	CUP	—	—	—	P	P	
Residential								
Caretaker Unit:								130.40.120
Permanent	A	A	A	A	A	A	A	
Temporary	TMA	TMA	TMA	TMA	TMA	TMA	TMA	
Child Day Care Home ^{5, 6}								130.40.110
Small Family Day Care Home	—	A	—	A	—	—	A	
Large Family Day Care Home	—	A	—	A	—	—	A	
Community Care Facility:								
Small or Large	CUP	P	—	P	—	—	P	
Dwelling (as Part of a Mixed Use Development)	Permitted by Design Review (See Section 130.52.030—Design Review Permit in Article 5—Planning Permit Processing, of this Title)							
Emergency Shelter	—	—	—	CUP	—	P	—	
Employee Housing:	A	A	A	A	A	A	A	130.40.120
Commercial Caretaker, Permanent								
Commercial Caretaker, Temporary	TMA	TMA	TMA	TMA	TMA	TMA	TMA	
Construction	—	—	—	—	—	A	A	130.40.190. B.5
Home Occupation ⁴	See Table 130.40.160.1 (Home Occupation Use Matrix)							
Transitional Housing:								
Large, only	—	—	—	CUP	—	A	—	130.40.360
Recreation and Open Space								
Golf Course	—	—	—	CUP	—	—	CUP	
Marina:								
Motorized Craft	—	—	—	CUP	—	CUP	CUP	
Non-Motorized Craft	—	—	—	P	—	—	P	
Parks:								130.40.210
Day Use	A	A	A	A	A	—	A	
Nighttime Use	CUP	CUP	CUP	CUP	CUP	—	—	
Snowplay Area	—	—	—	CUP	—	CUP	CUP	
Special Events, Temporary	TUP	TUP	TUP	TUP	TUP	TUP	TUP	
Swimming Pool, Public	—	CUP	—	CUP	—	—	—	130.40.210

Tennis Courts, Public	—	CUP	—	CUP	—	—	—	
Trail Head Parking and Staging Area	—	—	—	CUP	—	CUP	P	
Civic								
Cemeteries	—	—	—	CUP	—	CUP	—	
Churches and Community Assembly								
Indoor	CUP	CUP	P	P	—	CUP	CUP	
Outdoor	CUP	CUP	CUP	CUP	CUP	—	CUP	
Community Services: Intensive	—	—	—	CUP	CUP	CUP	CUP	
Minor	P	P	P	P	P	—	P	
Schools: College and University	P	—	CUP	P	CUP	—	—	130.40.230
Elementary and Secondary, Private	CUP	—	CUP	CUP	—	—	—	
Transportation								
Airports, Airstrips and Heliports	—	—	—	CUP	—	CUP	CUP	
Intermodal Facility	CUP	CUP	CUP	CUP	CUP	P	—	
Parking Lot	P	P	P	P	P	P	P	
Utility and Communications								
Communication Facilities	A/CUP	A/CUP	A/CUP	A/CUP	A/CUP	A/CUP	A/CUP	130.40.130
Public Utility Service Facilities: Intensive	CUP	—	—	CUP	CUP	CUP	CUP	130.40.250
Minor	P	P	P	P	P	P	P	
Wind Energy Conversion System	See Table 130.40.390.1 (WECS Use Matrix)							130.40.390
NOTES:								
1 Excluding Subsection 130.40.220.E (Garage Sales) in Article 4 (Specific Use Regulations) of this Title.								
2 Limited to small-scale, artisanal production of goods (See Article 8 (Glossary: "Light Manufacturing") of this Title.								
3 CUP for larger scale, 'general industrial' use.								
4 As part of the residential component of a mixed use development.								
5 As a rental of an existing legal nonconforming residential structure.								
6 CUP required when adjacent to any residential zoned lot or residential use.								
7 Must meet the setback requirements of Chapter 130.40.340 and licensing requirements of Chapter 8.68.								

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Section 3. Effective Date. Pursuant to California Government Code Section 25125, the amendments to this ordinance shall become effective 30 days from the date of final passage.

Section 4. Adoption of this Ordinance is Not a Project under the California Environmental Quality Act (CEQA). This Ordinance is not a “project” within the meaning of Public Resources Code Section 21065 and CEQA Guidelines Sections 15060(c)(2) and 15378 because the repeal of regulations of tobacco retailers

does not have the potential of resulting in a direct or reasonably foreseeable indirect physical change in the environment.

Section 5. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2026, by the following vote of said Board:

ATTEST

Kim Dawson

Clerk of the Board of Supervisors

Ayes:

Noes:

Absent:

By _____
Deputy Clerk

Chair, Board of Supervisors