

ARTICLE 1 - ZONING ORDINANCE APPLICABILITY

Enactment and Applicability of the Zoning Ordinance

17.10.010	Title and Purposes of Zoning Ordinance
17.10.020	Authority, Relationship to General Plan
17.10.030	Responsibility for Administration
17.10.040	Applicability of Zoning Ordinance
17.10.050	Rules of Interpretation
17.12.	Zoning Maps
17.12.010	Purpose
17.12.020	Zoning Map and Zones

17.10.010 Title. *(Prior Code Sec. 17.06.010)* This Title shall be known as, and may be cited and referred to as, the El Dorado County Zoning Ordinance. The Zoning Ordinance constitutes a portion of the County Ordinance Code. *(Is this text required by law? Seems Archaic says RT)*

Purposes of Zoning Ordinance. *(17.06.040)* The purpose of this ordinance is to protect and promote the public health, safety, peace, comfort, and general welfare of the County, and more particularly to:

- A. Implement the goals and objectives of the El Dorado County General Plan by guiding and managing the future growth of the County in accordance with adopted General Plan goals, objectives, policies and implementation measures.
- B. Direct land use in a manner that will assure the orderly development and beneficial use of the unincorporated areas of El Dorado County for residential, commercial, industrial, agricultural, forestry, recreation, open space, and other purposes.
- C. Manage the distribution of population in accordance with the availability of natural resources, public services, and infrastructure necessary to support the population.
- D. Encourage growth that reflects the character and scale of the location in which it occurs and recognize that planned developments are an effective planning tool to maximize community identity and minimize impacts on surrounding properties.
- E. Encourage economic activities that create employment opportunities that are commensurate with housing costs, maximize the economic potential of the County's natural resources, reduce out-of-county retail purchase and employment travel, and provide housing and job opportunities for all levels of the County's population.
- F. Maintain and protect the County's natural beauty and environmental quality, vegetation, air and water quality, natural landscape features, cultural resource values, and maintain the rural character and lifestyle while ensuring the economic viability critical to promoting and sustaining community identity. *(Source: GP Vision Statement, item 1)*

- G. Provide for the housing needs of present and future residents of the County and allow for the construction of housing affordable to all segments of the population.
- H. Reduce hazards to the public resulting from the inappropriate location, use, or design of buildings, structures, and land uses in relation to natural and built hazards and the County highway system.

17.10.020 Authority, Relationship to General Plan.

- A. This ordinance is adopted based on the authority vested in El Dorado County by the State of California, including but not limited to the State Constitution, Section 65800 et seq. of the California Government Code, the California Environmental Quality Act, the Subdivision Map Act, Housing Act, Surface Mining and Reclamation Act, and applicable provisions of the Health and Safety Code.
- B. This ordinance is hereby adopted and shall be maintained so as to be consistent with the El Dorado County General Plan. Any land use or development approved according to the requirements of this Title shall be consistent with the General Plan and any applicable specific plan.
- C. Within the Lake Tahoe Basin, as mapped on Figure xx, all land use and development approvals shall also be subject to requirements of the Tahoe Regional Planning Agency (TRPA).
- D. Where an inconsistency exists between the General Plan and the zoning designation for a parcel, the General Plan designation shall govern. (*reference GP Policy 2.2.5.20*)

17.10.030 Responsibility for Administration.

- A. Responsible Bodies and Individuals. This Zoning Ordinance shall be administered by:
 - 1. The El Dorado County Board of Supervisors, hereafter referred to as the Board;
 - 2. The Planning Commission, hereafter referred to as the Commission;
 - 3. The County Zoning Administrator, hereafter referred to as the Zoning Administrator;
 - 4. The County Design Review Committees, hereafter referred to as the Design Review Committees, including the following:
 - a. Cameron Park Design Review Committee
 - b. El Dorado Hills Design Review Committee
 - 5. The Director of the Development Services Department, hereafter referred to as the Director; and
 - 6. The Development Services Department hereafter referred to as the Department.

- B. Responsibility and Authority of the Director. Whenever this Title refers to the Department, it is expressly understood that the Department staff are acting under the direction and control of the Director, and that they report directly to the Director rather than the Commission or the Board.
- C. Rules of Interpretation. This Title shall be interpreted in the following manner:
1. Minimum Requirements. The provisions of this Title shall be deemed to be the minimum standards required for the protection of the public health, safety, and welfare.
 2. Conflicting Provisions. If conflicts occur between different requirements of this Title, or between provisions of this Title and requirements imposed by other provisions of the El Dorado County Ordinance Code or other laws, rules, and regulations, the more stringent development requirement or greater restriction on the use of land or buildings shall apply.
 3. Single Lot in Multiple Zone Districts. In the event that a single lot is covered by two or more zone districts, the uses of that parcel shall be consistent with the zone district as shown for the portion of the lot on which the use is proposed to be placed.
 4. Map Boundaries. Where the boundaries of any zone district shown on the zoning maps are uncertain, the following rules shall apply to resolve the uncertainty:
 - a. Where a zone district boundary approximately follows a lot line, or road or street, such lot line or the centerline of the road or street shall be construed to be the boundary.
 - b. Where a zone district boundary approximately follows a stream or river, ridge line or other distinct geographic or topographic feature, such stream or geographic feature shall be construed to be the boundary.
 - c. If a zone district divides a lot, and the boundary line location is not otherwise designated, the location of the boundary shall be determined by the use of the scale appearing on the zoning map.
 5. Map Corrections. Where a zone boundary appears to be in error, the Director may make the correction based on historical data, prior zoning maps, and other available information. Where the record is unclear, the zoning shall be reviewed by the Commission to determine if the map is in error. If, after review of the record the Commission finds that the map is in error, they shall direct the Director to correct said error by revising the official maps accordingly within 30 days of the Commission's review.

17.10.040 Applicability of Zoning Ordinance. (No prior code)

- A. Area of Applicability. The provisions of this title shall apply to all lands within the unincorporated area of the County of El Dorado except as provided in subsection B.
- B. Exemptions From Zone Ordinance Requirements. The provisions of this Title do not apply to the following activities, land uses, and structures, except where provisions of a memorandum of understanding between the County and another governmental agency provide for County land use regulatory authority:
1. Activities of the Federal Government on federally owned or leased land.
 2. Activities of the State of California or any agency of the state on state owned or leased land.
 3. Activities of a local agency, as defined in Government Code Section 53090, as provided in Section 53091 et seq.
 4. The location and construction of facilities for water and electrical energy as provided in Government Code Section 53091.
 5. Existing and future preemptions of local land use authority resulting from State Law.
- C. Effect of Zoning Ordinance Changes on Projects in Progress. The enactment of this Title or amendments hereto may have the effect of imposing different standards on development or new land uses from that which previously applied. Following the effective date of this Title the following provisions shall apply:
1. Pending Applications. Applications which have been determined by the Development Services Department to be complete pursuant to Government Code Section 65943 before the effective date of this Title, or any amendment hereto, shall comply with the provisions of this Title in effect on the date that the application is deemed complete.
 2. Approved Applications. Applications approved prior to the effective date of this Title, or any amendment hereto, may be constructed or used in accordance with the conditions of approval therefore; provided, however, approval of any extension shall be governed by the provisions of subsection (C)(3).
 3. Time Extensions. An approval of an extension of time for a pending application may be conditioned to comply with the provisions of this Title in effect when the application for time extension is deemed complete pursuant to Government Code Section 65943.
- D. Exception for Area Covered by Specific Plan. Where a specific plan has been adopted

for an area pursuant to §17.xx et seq. and California Government Code §65450 et seq., the zone districts, development standards, and other provisions of the specific plan and any implementing ordinance adopted pursuant to that plan shall supersede the provisions of this Title. In the event that a specific plan implementing ordinance does not address an issue, the provisions of this Title shall apply.

17.10.050 Rules of Interpretations. The Director shall have the authority to issue administrative interpretation of the provision of this Title to resolve ambiguities.

- C. Record of Interpretations. Whenever the Director determines that the applicability or meaning of any of the provisions of the Title are ambiguous, the Director may issue an official interpretation. Official interpretations shall be in writing, and cite the provision being interpreted, together with an explanation of its meaning or application in the particular or general circumstances that caused the need for interpretation. Where the Director finds that no clear interpretation can be made, the matter may be referred to the Commission. The Commission shall hold a public hearing prior to making an interpretation. Notice of such hearing shall be provided by listing the matter on the Commission agenda and posting notice at least 72 hours prior to the hearing. A record of all official interpretations shall be maintained and available for public review, indexed by the section number of this Title that is the subject of the interpretation. Interpretations shall be incorporated into the official text of the Title within 12 months of the Director or Planning Commission determination through the County text amendment process.
- D. Appeal of Interpretations. Interpretations by the Director may be appealed to the Commission pursuant to Section 17.24.020.

17.12. Zoning Maps

17.12.010 Purpose: The purpose of this section is to identify the official zone districts that are established and shown on the zoning maps created pursuant to 17.12.020.

Residential

- Multi-family Residential (RM)
- Limited Multi-family Residential (R2)
- One-family Residential (R1)
- One-acre Residential (R1A)
- Two-acre Residential (R2A)
- Three-acre Residential (R3A)
- Estate Residential (RE)
- Neighborhood Service (NS)

Agricultural and Resource

- Exclusive Agricultural (AE)
- Planned Agricultural (PA)
- Agricultural Grazing (AG)

Timber Production (TPZ)
Forest Resource (FR)
Rural Lands (RL)
Mineral Resource (MR)

Commercial

Professional Office Commercial (CPO)
Neighborhood Commercial (CP)
Retail and Service Commercial (C)
General Commercial (CG)

Industrial

Light Industrial (I1)
Heavy Industrial (I2)
Research and Development (R&D)
Resource Industrial (IR)

Recreational

Low-Intensity Recreational Facilities (RF1)
High-Intensity Recreational Facilities (RF2)

Open Space

Agricultural Open Space (OS-A)
Habitat Open Space (OS-H)
Recreational Open Space (OS-R)
Visual Open Space (OS-V)
Watershed Open Space (OS-W)

Other:

Airport Transportation Corridor (TCA)
Highway Transportation Corridor (TCH)
Meyers Community Plan (MCP)

B. Minimum Lot Size Designation. A designator indicating the minimum lot size shall be applied to all R1, RE, PA, AG, RL, and FR zone districts.

1. For R1 zone districts the numeric additive shall represent minimum lot size expressed in thousands of square feet. The designator shall be one of the following: -6, -10, -20.

(Example: R1-6 would represent single-family lots with a minimum lot size of 6000 sq. ft. R1-20 would have a minimum lot size of 20,000 sq. ft.)

2. For RE zone districts the numeric additive shall represent minimum lot size expressed in acres. The designator shall be one of the following:
-5 and -10.

3. For RL and AG zone districts the numeric additive shall represent minimum lot size expressed in acres. The designator shall be one of the following:
-20, -40, -80, -160.
 4. For PA zone districts the numeric additive shall represent minimum lot size expressed in acres. The designator shall be one of the following:
-10, -20, -40, -80, -160.
- C. Meyers Community Plan Combining Zone Districts. To implement the Myers Community Plan, each of the five subareas shall be designated on the official zoning map as MCP-1, MCP-2, MCP-3, MCP-4, and MCP-5 to reflect the subareas and the variable that each area represents as further regulated pursuant to Chapter 17.xx.
- D. Overlay/Special Purpose Additive Districts. In addition to the primary zone districts established by subsection A, the following overlay and special purpose additive districts are established:
- Airport Safety (-AA)
 - Avalanche (-AV)
 - Dam Failure Inundation (-DFI)
 - Community Design Review (-DC)
 - Historic Design Review (-DH)
 - Ecological Preserve (-EP)
 - Mobile Home Park (-MP)
 - 55dB/CNEL Noise Contour (-N55)
 - Planned Development (-PD)
 - Platted Lands (-PL)
 - Scenic Corridor (-SC)
 - Tahoe Basin (-TB)

17.12.020 Zoning Map and Zones. The boundaries of the zone districts established by this section shall be shown on the maps designated the “County of El Dorado Zoning Maps” (Zoning Maps). The Zoning Maps shall be adopted by the Board of Supervisors in compliance with applicable law, and are hereby incorporated into this Title by reference as though they were fully set forth herein. Any changes to the Zoning Maps shall be accomplished as set forth in Chapter 17.64 (Article 6 – Zoning Ordinance Administration, Amendments and Rezoning).

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