

RESOURCE MANAGEMENT AGENCY

Community and Economic Development
Department of Planning and Building

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PLANNING COMMISSION DATE: June 4, 2013

AGENDA ITEM: #3

CUP	#2012-007	Amendment to the County Code, Title 18, to Add two new Zone Districts and Amend the Parking Ordinance
APN	Countywide	Applicant: Madera County
CEQA		EXEMPT

REQUEST:

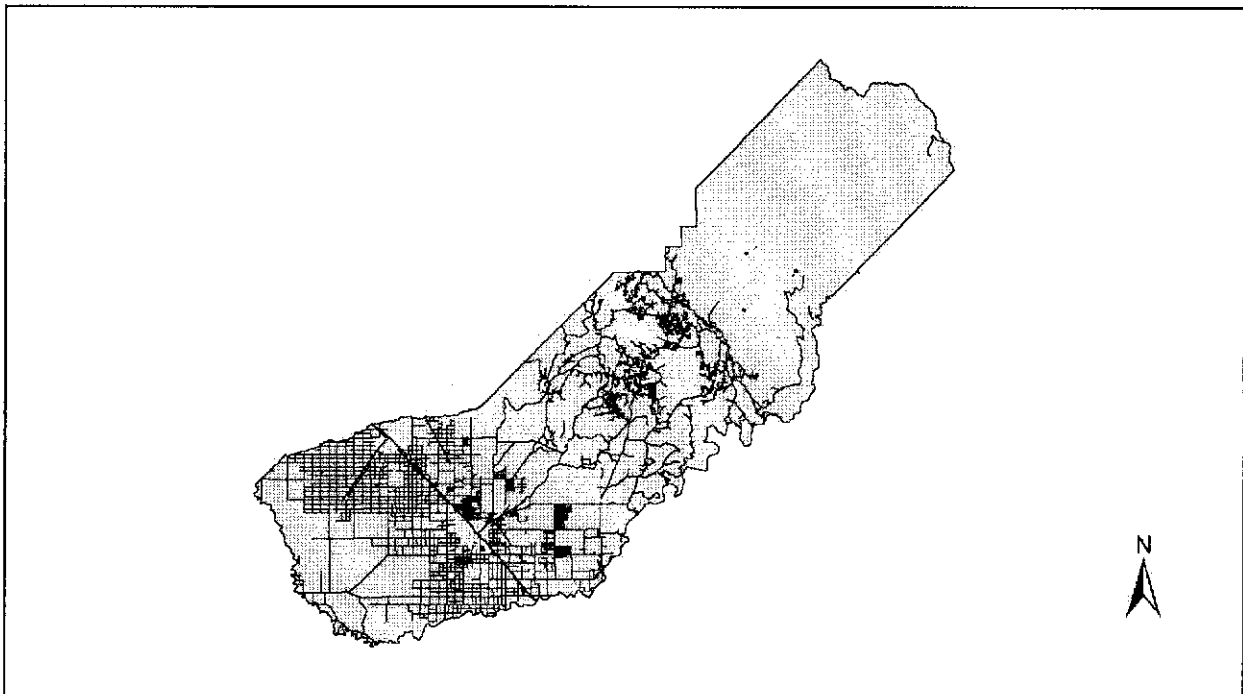
This is a proposal by the County of Madera to gather public comments in regard to amending the Madera County Ordinance, Title 18, by adding an Oakhurst Mixed Use Zone District and a River Front Mixed Use Zone District.

LOCATION:

The additional two ordinances will affect the Oakhurst area only. However, the amendments to the parking ordinance will affect all zone districts in Madera County.

ENVIRONMENTAL ASSESSMENT:

is a workshop. No action will be taken.



RECOMMENDATION: Gather information and public comments.

PROJECT DESCRIPTION:

Staff is proposing an amendment to the Zoning Ordinance to add an Oakhurst Mixed Use Zone District and a River Front Mixed Use Zone District. The proposal also includes amending the parking ordinance to include flexible parking requirements.

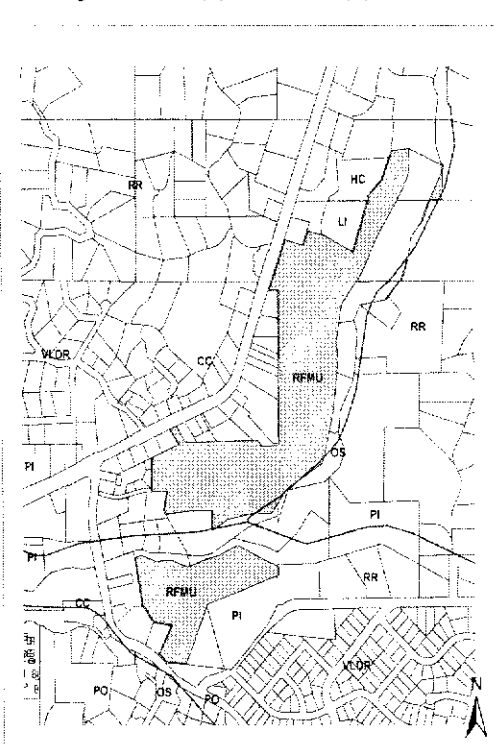
ORDINANCES/POLICIES:

Madera County Code Title 18

ANALYSIS:

The Planning Department is reviewing and amending all development ordinances to comply with State law and County need. The Oakhurst Area Plan was approved on September 13, 2005. In the land use section, two new districts were included to create an environment where residential, commercial and other similar and compatible uses may co-exist with one another in an effort to facilitate economic development, create diverse housing and commercial opportunities. These designations are similar in concept to the MUC (Mixed Use Core) designation included in the General Plan, but are tailored more specifically to the Oakhurst Community.

The River Front Mixed Use Designation applies to a 145 acre area near the center of Oakhurst, located northeast of the intersection Highway 41 and Road 426 (Crane Valley Road West) on both sides of the Fresno River. Consisting of more than 20 contiguous parcels, the River Front Area is intended to bring both visitors and local residents together in a traditional downtown area, which would be characterized by common architectural elements, bike and pedestrian paths, common areas, and views of the river environment. By comparison, the Oakhurst Mixed Use Designation applies to approximately 80 acres of land, consisting of parcels located



River Front Mixed Use

north of the Maintenance District 22a treatment facilities. The Oakhurst Mixed Use Designation is intended to facilitate the combination of a variety of land uses, including residential and commercial, within the same area and even within the same structure. At the December 6, 2012 meeting, the Board approved an additional 132.3 acres to be designated Oakhurst Mixed Use.

RIVER FRONT MIXED USE

The River Front Mixed Use (RFMU) and use designation promotes a variety of uses, enabling the creation of a more traditional downtown area. This provides the ability to work, reside, conduct business, be entertained, recreate, shop, eat, and participate in civic and cultural activities in one integrated and planned location. The focus of the designation is on the river front, maintaining its beauty while seamlessly integrating high quality structures and infrastructure through strict

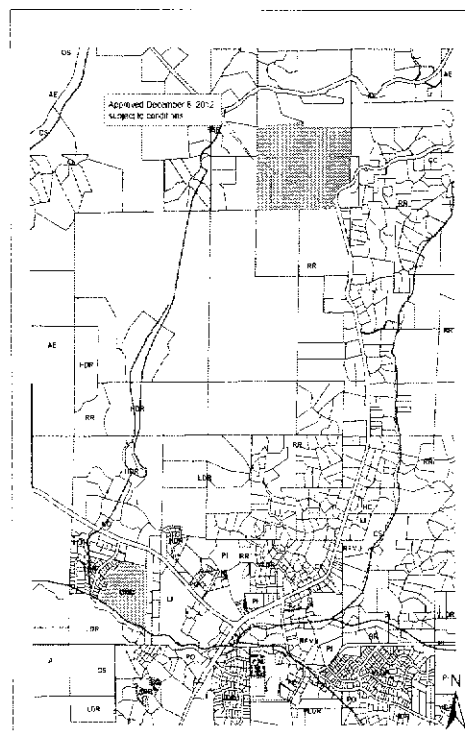
architectural, landscaping and planning standards. The specific uses outlined below would be allowed, while any use not found compatible by the Planning Department would be subject to appeal to the Oakhurst Community Advisory Council and the Planning Commission:

- Single/Multi Family Residential
- Art Galleries and Museums
- Professional and Personal services
- Public and Quasi Public Uses
- Art/Craft Shops and studios
- Customer Service Uses
- Parking Facilities/Structures to serve businesses within the River Front Area
- Limited Retail (10,000 sq.ft. per business)
- Restaurants without drive thru
- Entertainment Uses
- Home businesses/offices
- Bed and Breakfasts
- Similar and Compatible Uses

OAKHURST MIXED USE

The Oakhurst Mixed Use (OMU) designation provides for variety of uses focused on allowing people to work, play, and shop in the neighborhood where they live. The intent is to minimize the number of vehicle trips and the attendant personal costs, community traffic congestion, and air pollution. The following uses would be allowed:

- Single/Multi Family Residential
- Retail
- Restaurants
- Services
- Administrative and Professional Offices
- Commercial Recreation
- Public and Quasi-public uses
- Light Industry
- Similar and Compatible uses



Oakhurst Mixed Use

GENERAL PLAN CONSISTENCY:

The proposed text amendments are consistent with the goals and policies of the General Plan.

RECOMMENDATION:

Gather information and public comments.

ATTACHMENTS:

1. Exhibit A, Proposed Oakhurst Mixed Use
2. Exhibit B, Proposed River Front Mixed Use
3. Exhibit C, Flex Parking
4. Exhibit D, Design Criteria

Chapter 18.xxOMU-OAKHURST MIXED USE DISTRICT

The purpose of this zone district is to provide for a variety of uses focused on allowing people to work, play, and shop in the neighborhood where they live. The intent is to minimize the number of vehicle trips and the attendant personal costs, community traffic congestion, and air pollution. The district is intended to facilitate the combination of a variety of land uses, including residential and commercial, within the same area and even within the same structure.

Sections:

- 18.xx.010 Land use regulations.
- 18.xx.020 Structure location regulations.
- 18.xx.030 Structure height regulations.
- 18.xx.040 Lot dimension regulations.
- 18.xx.050 Off-street parking area requirements.
- 18.xx.060 Design Concept.

18.xx.010 Land use regulations. Land use regulations are:

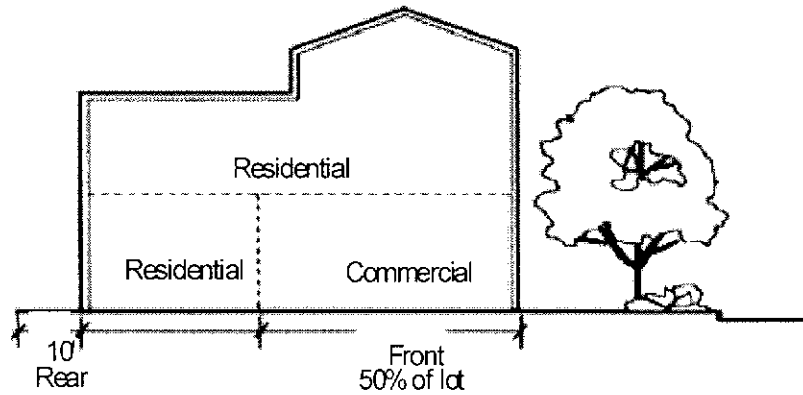
A. Permitted Uses.

1. Retail sales establishment,
2. Customer service establishment,
3. Restricted retail sales establishment,
4. Professional offices,
5. Limited Light Industrial,
6. Sidewalk Cafes,
7. One single-family dwelling in permanent structure can be in combination with commercial establishment (under one roof).

B. Uses Allowed with Zoning Permit.

1. Nursery and garden supply store,
2. Outdoor theaters,
3. Multiple-family dwelling in permanent structure can be in combination with commercial establishment (under one roof).
 - (a) Ground Floor Restriction. Residential use and residential parking are prohibited on the ground floor in the front half of the lot.

Ground Floor Restriction



C. Uses Allowed with Conditional Use Permit. (Please see Chapter 18.94 for additional restrictions as to certain uses.)

1. General Commercial Establishments,
2. Light Industrial Establishments,
3. Animal hospitals,
4. Churches and Places of Religious Assembly,
5. Educational Facilities,
6. Public and semipublic buildings and uses,
7. Other commercial uses and establishments which by the interpretation of the zoning administrator are similar.

18.xx.020 Structure location regulations. Structure location regulations are:

- A. Setback from edge of right-of-way: 0 feet, minimum;
- B. Side yard offset: 0 feet, minimum; ten feet maximum.
- C. Rear yard offset: ten feet, minimum.

18.xx.030 Structure height regulations. Structure height regulations are:

- A. Principal building or structure height: thirty-five feet, maximum;

18.xx.040 Lot dimension regulations. Lot dimension regulations are:

- A. Lot area: two thousand five hundred square feet, minimum, 2,000 s.f. per family;
- B. Minimum lot width: twenty-five feet, minimum;
- C. Minimum Street Frontage: twenty-five feet, minimum;
- D. Lot length to width ratio permitted: four to one, maximum;
- E. Floor area to lot area ratio permitted: one hundred percent maximum (3); for non-residential uses: sixty percent maximum.

18.xx.050 Off-street parking area requirements. Off-street parking area requirements are:

- A. Number of Parking Spaces Required.
 1. Per parking ordinance, Section 18.102

18.xx.060 Design Concept.

A. All building must compliment the surrounding environment.

B. All landscaping must comply with the Water Efficient Landscape Ordinance (Ord. §13.56)

Chapter 18.xxRFMU – RIVER FRONT MIXED USE

The purpose of this zone district is to provide for a variety of uses enabling the creation of a more traditional downtown area. This provides the ability to work, reside, conduct business, be entertained, recreate, shop, eat, and participate in civic and cultural activities in one integrated and planned location. The intent is to minimize the number of vehicle trips and the attendant personal costs, community traffic congestion, and air pollution.

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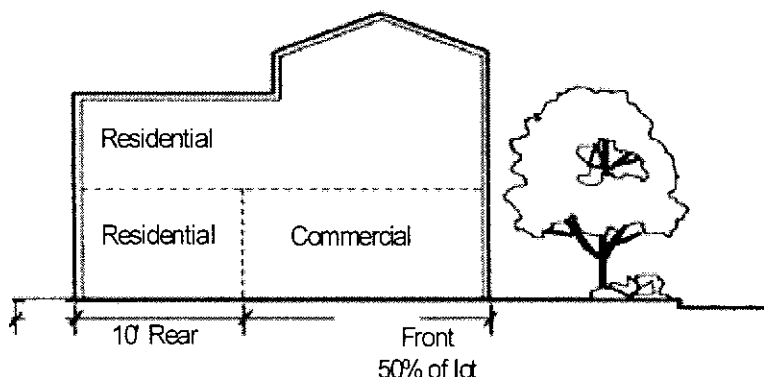
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10. Bed and Breakfasts Facilities
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12. One single-family dwelling in permanent structure can be in combination with commercial establishment (under one roof).

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- A. Number of Parking Spaces Required.
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18.xx.060 Design Concept.

- A. All building must compliment the surrounding environment.
- B. All landscaping must comply with the Water Efficient Landscape Ordinance (Ord. §13.56).

18.102.065 Flexible Parking Requirements

A. Shared Parking: Parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. A Conditional Use Permit must be approved by the Planning Commission before a shared parking arrangement can occur. Requests for shared parking arrangements can only occur under the following conditions:

1. A parking plan shall be submitted to the Planning Department which identifies hours of operation and peak hour demand for the uses proposed as part of a shared parking arrangement.

2. Shared parking arrangements may reduce required parking by a maximum of 40 percent from the total number of spaces which would be required if parking was calculated on a use by use basis.

3. Parking facilities designated for joint use may not be located further than 500 feet from any structure or use served.

4. A written agreement assuring the continued availability of the parking facilities designated for joint use shall be drawn by the applicant to the satisfaction of County Counsel. The agreement shall be executed by all parties concerned and recorded in the Madera County Recorder's Office. The agreement shall stipulate the duration of the agreement which must be determined as part of the Conditional Use Permit process. In no case shall the agreement expire prior to the end of any leases which exist for the uses requesting the shared parking arrangement.

5. Shared parking arrangements shall be possible for all types of uses with the exception of residential uses.

B. Off-Site Parking: Off-street parking required for commercial uses may be located on a separate parcel, provided that the off-site facility is located no further than 500 feet from the perimeter of the parcel where the use occurs. The proposed off-site location may be separated by an alley or local street provided the right-of-way is not greater than 80 feet in width. A covenant shall be recorded securing the use of the off-site parcel for parking.

18.102.068 Mixed-use Shared Parking Programs.

A. Purpose. A mixed-use shared parking program is presented as an option to reduce the total required parking in large mixed-use commercial centers and mixed-use developments in which the uses operate at different times from one another throughout the day. The County recognizes that strict application of the required parking ratios may result in the provision of excessive numbers of parking spaces. This results in excessive pavement and impermeable surfaces and discourages the use of alternate transportation modes. A mixed-use shared parking program allows the property developer to use parking spaces more efficiently by allowing the same spaces to be "shared" by various land uses.

B. Procedure.

1. When a parking plan is required as part of any site plan review or permitting procedure, a mixed-use shared parking program may be requested by the applicant at the same time.

2. The mixed-use shared parking program may also be requested exclusive of any other site plan review or permitting procedure.

3. Mixed-use shared parking plans shall be reviewed by, and are subject to the approval of, the Zoning Administrator.

4. For changes of use in mixed-use projects the applicant must demonstrate that parking necessary for the new mix of uses does not exceed the amount which was required by the previous mix of uses.

C. Limitations on mixed-use shared parking.

1. The total number of parking spaces required by Table 18.102.040 shall not be reduced by more than twenty (20) percent.

D. Performance standards. The Zoning Administrator may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing on-site parking subject to the following criteria:

1. The respective hours of operation of the uses do not overlap, as demonstrated by the application on Table A, Schedule of Shared Parking Calculations. If one (1) or all of the land uses proposing to use joint parking facilities do not conform to one (1) of the land use classifications in Table A, Schedule of Shared Parking Calculations, the applicant shall submit sufficient data to indicate that there is not substantial conflict in the principal operating hours of the uses. Such data may include information from a professional publication such as those published by the Institute of Transportation Engineers (ITE) or the Urban Land Institute (ULI), or by a professionally prepared parking study.

2. A parking plan shall be submitted for approval which shall show the layout of proposed parking.

3. The property owners involved in the joint use of on-site parking facilities shall submit a written agreement subject to County approval requiring that the parking spaces shall be maintained as long as the uses requiring parking exist or unless the required parking is provided elsewhere in accordance with the provisions of this article. Such written agreement shall be recorded by the property owner with the Madera County Recorder's Office prior to the issuance of a building permit, and a copy filed in the project review file.

Table A

General Land Use Classification	Weekdays			Weekends		
	12:00 am to 7:00 am	7:00 am to 6:00 pm	6:00 pm to 12:00 am	12:00 am to 7:00 am	7:00 am to 6:00 pm	6:00 pm to 12:00 am
Office and industrial	5%	100%	5%	0%	60%	10%
Retail	0%	100%	80%	0%	100%	60%
Residential	100%	55%	85%	100%	65%	75%
Restaurant and bars	50%	70%	100%	45%	70%	100%
Hotel	100%	65%	90%	100%	65%	80%
Churches and places of worship	0%	10%	30%	0%	100%	30%
Cinema/theater, and live entertainment	0%	70%	100%	5%	70%	100%

How to use the schedule of shared parking. Calculate the number of parking spaces required by Table 18.102.040 for each use as if that use were free-standing. Applying the applicable land use category to each proposed use, use the percentages to calculate the number of spaces required for each time period. (six (6) time periods per use). Add the number of spaces required for all applicable land uses to obtain a total parking requirement for each time period. Select the time period with the highest total parking requirement and use that total as your shared parking requirement.

18.102-086 Parking master plan.

A. Purpose. A parking master plan is presented as an option to promote the safe and efficient design of parking facilities for sites larger than two (2) acres. The county recognizes that strict application of the required parking standards or ratios may result in the provision of parking facilities of excessive size or numbers of parking spaces. This results in excessive pavement and impermeable surfaces and may discourage the use of alternate transportation modes. A parking master plan allows the property developer to establish a more efficient parking scheme through the following requirements.

B. Applicability. The parking master plan is appropriate to alleviate problems of reuse and is also applicable as an alternative to the above mixed-use shared parking programs.

C. Procedure.

1. When a parking plan is required as part of any site plan review or permitting procedure, the parking master plan may be requested by the applicant at the same time.

2. The parking master plan may also be requested exclusive of any other site plan review or permitting procedure.

3. Parking master plans shall be reviewed by, and are subject to the approval of, the Zoning Administrator.

4. For changes of use in mixed-use projects the applicant must demonstrate that parking necessary for the new mix of uses does not exceed the amount which was required by the previous mix of uses.

D. Limitations on parking master plans.

1. The Zoning Administrator shall only permit reductions of up to twenty (20) percent of the total parking required per Table 18.02.040.

2. Reductions of more than twenty (20) percent of required parking shall be subject to a parking variance.

E. Elements of a parking master plan. The parking master plan shall contain the following:

1. A plan, which graphically depicts where the spaces and parking structures are to be located.

2. A report, which demonstrates how everything shown on the plan complies with or varies from applicable standards and procedures of the County.

3. The plan shall show all entrances and exits for any structured parking and the relationship between parking lots or structures and the circulation master plan.

4. The plan, supported by the report, shall show the use, number, location, and typical dimensions of parking for various vehicle types including passenger vehicles, trucks, vehicles for mobility impaired persons, buses, other transit vehicles and bicycles.

5. The plan, supported by the report, shall include phasing plans for the construction of parking facilities and any interim facilities planned.

6. Parking ratios used within the report shall be based upon uses or categories of uses already listed within Table 18.02.040, Vehicular Parking Space Requirements.

7. Such other information as is determined by the reviewing authority to be necessary to process the parking master plan.

F. Performance standards. Parking shall comply with the requirements of the Zoning Ordinance as amended except where application of the following criteria can show that a modification of the standards is warranted. This shall be determined by the Zoning Administrator pending review of the materials described above.

1. The parking master plan shall provide sufficient number and types of spaces to serve the uses identified on the site.

2. Adequate provisions shall be made for the safety of all parking facility users, including motorists, bicyclists and pedestrians.

3. Parking master plans shall be designed to minimize or alleviate traffic problems.

4. Parking spaces shall be located near the uses they are intended to serve.

5. Adequate on-site parking shall be provided during each phase of development of the district.

6. Surfacing of the lot shall be dust-proof, as provided by 18.02.040.

7. Reductions in the number of parking spaces should be related to significant factors such as, but not limited to:

a. Shared parking opportunities;

b. Hours of operation;

c. The availability and incorporation of transit services and facilities;

d. Opportunities for reduced trip generation through pedestrian circulation between mixed-uses;

e. Off-site traffic mitigation measures;

f. Recognized variations in standards due to the scale of the facilities;

g. Parking demand for a specified use; and

8. Reductions in the number of parking spaces for neighborhood-oriented uses may be granted at a rate of one (1) space for every existing or planned residential unit located within two (2) blocks of the proposed use, and one-half (0.5) space for every existing or planned residential unit located within four (4) blocks of the proposed use.

G. Approval. The property owners involved in the parking master plan shall submit a written agreement, subject to County approval, requiring that the parking facility shall be maintained without alteration unless such alteration is authorized by the Zoning Administrator. Such written agreement shall be recorded by the property owners with the Madera County Recorder's Office prior to the issuance of a building permit, and a copy filed in the project review file.

DESIGN CRITERIA

The County has an interest in creating desirable residential areas, while protecting and promoting commercial opportunities. The criteria listed below provide guidance to property owners and developers. It also provides assurance to neighbors that the combination of residential and commercial uses within a single development will create an aesthetically pleasing and livable environment.

- A. Overall Design. Key elements to consider are: existing architectural character of the neighborhood/district; continuity of building scale and architectural massing; transition to adjacent developments; treatment of the street-level and upper-level architectural detailing; roof forms; rhythm of windows and doors; and, relationship of buildings to public spaces such as streets, plazas, other open space, and public parking, including the following:
 - a. Design scheme with visual interest without clutter throughout the development.
 - b. Building scale and architectural massing to incorporate elements for a reasonable transition to adjacent existing (or future) developments and the proposed project.
 - c. Where there are multiple buildings in a mixed-use development, the structures should be of varying heights to create visual interest from the street. The ground level façade for a multi-level structure should have a distinct look from the façade of the floor levels above (e.g., using different architectural elements, such as building material or trim accent, lighting, cornice lines, awnings, projections, window treatments and sizes, and/or paint colors).
 - d. The vertical plane of the building façade shall be broken up with a high level of articulation (e.g., projecting entry or window features, recessed elements, transparent storefronts, identifiable retail spaces and, awning/entrance canopies) especially at ground level.
 - e. Build to line. To define the street frontage and pedestrian areas; mixed-use and commercial buildings shall generally be built to property lines (back of sidewalk) or other publicly accessible area.
- B. Design for Security. To encourage the use of design to minimize opportunities for crime and to increase public safety.
 - a. Building entrances, parking areas, private and public open spaces, and pathways should be accentuated with appropriate features such as landscaping, pavement treatment, art and signs which draw attention to the area. Such features should be placed or designed in such a manner that the view into the area is not obscured.
 - b. The proposed layout, building, and landscape design should promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except where necessary for buffering between commercial uses and lower density residential, to the extent practicable.
 - c. The proposed site layout and building design should encourage activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining.

- d. The development should control access wherever possible by properly sighting and designing entrances and exits (i.e., clear view from the store) and through the appropriate use of lighting, signs and/or other features.
- C. Pedestrian-oriented. To encourage buildings to be designed to a human scale for pedestrian access, safety and comfort. To promote a design which would provide direct and safe access between the site and adjacent land uses that is convenient and pleasant for the pedestrian.
- a. The site layout should cluster buildings on the site to promote linked trips via interconnected pedestrian promenades (such that a pedestrian need not cross more than 64 lineal feet of parking or driveway area, or one double loaded row of parking (not inclusive of sidewalks, pathways, landscaping, plazas, and other pedestrian facilities), whichever is less, between buildings;
 - b. The development should be designed to be well integrated with adjacent land uses. "Integrated" means that uses are within a comfortable walking distance (i.e., 1/4 mile radius) and are connected to each other with direct, convenient and attractive sidewalks and/or pathways;
 - c. The development should provide internal and/or public pedestrian connections that are direct, convenient and pleasant with appropriate amenities (e.g., attractive sidewalks and benches).
 - d. The development should incorporate the following criteria listed below.
 - 1. The building(s) have at least one primary entrance facing a street, or is directly accessed by a sidewalk or plaza within twenty (20) feet of the primary entrance.
 - 2. Main building entrances open directly to the outside.
 - 3. Every building has at least one entrance that does not require passage through a parking lot or garage to gain access.
 - 4. Windows or window displays are provided along at least thirty (30) percent of the building's façade particularly in the commercial portion.
 - 5. Where street connections are not practicable, pedestrian connections may be made to and through the development in lieu of planned street connections. Pedestrian connections should equal what would be available if they were on the street (i.e., distinct from vehicle lane, shade by day and light by night, connects to a destination that attracts pedestrian activity, etc.).
 - 6. Pedestrian facilities connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
 - 7. Sidewalks and/or plazas are provided.