

EXHIBIT C

Chapter 17.134

CMU COMMERCIAL MIXED-USE DISTRICT

Sections:

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17.134.010 Purpose.

The intent of the CMU District is to accommodate a development opportunity that offers a mix of land uses in a compact, high quality, pedestrian-friendly, interactive pattern. Commercial mixed-use districts are characterized by interconnected streets, wide sidewalks, outdoor public spaces and activities. .

17.134.020 Table of Land Uses and Glossary / Definitions.

P = Permitted use.

C = Use subject to a Conditional Use Permit.

T = Temporary use permitted with a Temporary Use Permit.

■ = Prohibited use in the zone.

For properties within the Downtown Master Plan, Section 1.4 Detailed Land Use Matrix of the Downtown Code supersedes this Chapter. In the Downtown Master Plan, land uses are specific to the Garden District, Historic District, Cultural District and Waterfront District as defined by the Downtown Master Plan.

TABLE OF MIXED USE LAND USES

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P = Permitted
 C = Permitted with a CUP
 T = Temporary, permitted by TUP
 ■ = Prohibited

| Use | RMU | CMU | Additional Regulations |
|-------------------------------------|-----|-----|------------------------|
| Animal hospital | C | C | |
| Assembly use | C | C | |
| Automotive repair or service | ■ | ■ | |
| Bar, pub, cocktail lounge | C | C | |
| Bed & breakfast | P | P | |
| Botanical garden | P | P | |
| Cardroom | ■ | C | |
| Caretaker quarters | P | P | |
| Carwash | ■ | C | |
| Catering service | C | C | |
| Check cashing service | ■ | P | |
| Cigar lounge / Hookah bar | C | C | |
| Community center | P | P | |
| Day care facility | C | C | |
| Drive-thru for bank, food, pharmacy | ■ | C | |
| Financial institution | P | P | |
| Food establishment | P | P | Section 17.86.035 |
| Fortunetelling | C | C | |
| Government building | P | P | |
| Gun and ammunition sales | ■ | C | |
| Health, fitness or exercise club | C | P | |
| Home occupation | P | P | |
| Hotel | ■ | C | |
| Housing, permanent: | | | |
| Apartment unit | P | P | |
| Boardinghouse | P | P | |
| Condominium | C | C | |
| Duplex, triplex, four-plex | P | P | |
| Row house/townhouse | P | P | |
| Kiosk for retail sales | ■ | P | Section 17.134.037 |
| Library | P | P | |
| Live/work unit | P | P | |
| Massage establishment | C | C | |
| Medical marijuana dispensary | ■ | ■ | Chapter 17.156 |
| Medical Office | P | P | |
| Mortuary | ■ | C | |
| Museum | C | P | |
| Nightclub | ■ | ■ | |
| Open air market | T | T | |
| Personal service | P | P | |
| Professional office | P | P | |
| Park/playground | P | P | |
| Parking facility | P | P | |
| Pawn shop | ■ | P/C | CUP for gun sales. |
| Pet shop | ■ | P | |
| Recreation facility | C | C | |
| Residential care facility | C | C | |

TABLE OF MIXED USE LAND USES

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| Use | RMU | CMU | Additional Regulations |
|---|--------------|--------------|------------------------|
| Retail sale | P | P | |
| Street vendor / pushcart sales | ■ | ■ | |
| Studio / Workshop | P | P | |
| Swap Meet, Indoor | ■ | C | |
| Swap Meet, Outdoor | ■ | ■ | |
| Tattoo | ■ | C | |
| Theater | ■ | C | |
| Thrift store | P | P | |
| Other uses that the Director of Community Development finds to be in accord with the purpose of this Chapter and having characteristics similar to those uses listed in this Table. | P, C, T or ■ | P, C, T or ■ | |

Glossary / Definitions of Mixed Use Land Uses

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Animal hospital. A place where animals or pets are given medical or surgical treatment, and where the boarding of the same animals is limited to short-term periods incidental to the hospital care.

Apartment unit. One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit not owned in fee simple.

Assembly use. A meeting, recreational, or social facility of a private or non-profit organization primarily for use by a member or guests, including union halls, social clubs, fraternal organizations, and youth centers, and “Places of Religious Assembly or Institution” as defined in Section 17.08.160 (but not including schools as defined in Section 17.08.190).

Automotive repair or service, including tire stores – A facility providing repair services to automobiles, trucks, or motorcycles, including the sale and mounting of tires.

Bar. An establishment primarily serving alcoholic beverages by the drink to the general public, with the service of food incidental to the consumption of liquor. Includes pub, tavern, cocktail lounge.

Bed & Breakfast residence. A home where one family or manager is in permanent residence and from two to six guest rooms are rented for overnight lodging. Meals may be provided for compensation subject to applicable County Health Department regulations, and no provision for cooking in any individual room is made. More than six guest rooms shall be considered a hotel.

Boardinghouse. A building or portion thereof where sleeping facilities for three or more persons and meals are provided for compensation on a regular basis.

Botanical garden or arboretum. A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

Cardroom. An establishment duly licensed pursuant to Chapter 5.44 of the Lake Elsinore Municipal Code containing tables and other similar conveniences for card playing and the playing of such games as may be permitted under the provisions of Section 330 of the Penal Code of the State of California.

Caretaker quarters. A permanent residence that is provided as an accessory use to a non-residential use, used as a residence for a caretaker and family for security purposes, or to provide 24-hour monitoring of the site or any person or thing on the site.

Glossary / Definitions of Mixed Use Land Uses

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Car wash. A permanent, self-service or full service establishment that provides facilities for car washing.

Catering service. A business that prepares food for consumption off-premises.

Check cashing service. A place of business where one can cash a check for a fee.

Cigar lounge. An establishment where patrons may purchase and smoke cigars, upon written clearance from the State of California Department of Health.

Condominium. A building in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional basis, as generally described in Section 783 of the California Civil Code.

Day care facility. A facility that provides non-medical care and supervision of minor children or elderly adults for periods of less than 24 hours; that does not qualify as a small or large family day care home; and that meets the licensing requirements of the State. Any establishment may provide child or adult day care as an accessory use that is not subject to additional permit requirements, provided that the establishment offers such service only to its customers or employees, and only during the period when the customers or employees are visiting or working in the establishment.

Day care, large family. The use of a residential dwelling unit and the lot upon which it is located for the daytime care of seven to twelve children or elderly adults including any children or elderly adults who normally reside on the premises.

Day care, small family. The use of a residential dwelling unit and the lot upon which it is located for the daytime care of six or fewer children or elderly adults including those who reside at the home.

Duplex. A structure on a single residential lot of record containing two units for occupancy by two independent households. Each unit is totally separated from the other by an unpierced wall extending from ground to roof, or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell. Each unit contains its own cooking, sleeping and sanitary facilities and its own entrance.

Financial institution. A facility offering financial services such as a bank, credit union, savings & loan, or finance company.

Glossary / Definitions of Mixed Use Land Uses

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Food establishments. The serving of food and beverages to patrons for compensation, including deli, sandwich, bakery (retail sales only), candy, coffee, ice cream, health food, café, restaurant.

Fortunetelling. A business wherein the telling of fortunes, forecasting of future events, or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, including but not limited to, clairvoyance, clairaudience, cartomancy, psychometry, phrenology, tea leaves, augury, astrology, palmistry, handwriting analysis, telepathy, card reading, crystal gazing or magic of any kind or nature.

Government facility. Any facility owned and operated by City, county, State or federal governments, regardless of the use.

Gun and ammunition sales. Any premises or portions thereof used for the sale, vending, dealing, exchange or transfer of firearms and ammunition.

Health, fitness or exercise club. A facility, owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, to which membership is required for participation.

Home occupation. A use conducted entirely within a dwelling and carried on by the inhabitant(s) thereof, which use is clearly incidental and secondary to the use of the structure for residential purposes and which does not alter the character thereof. By its very nature and scope the use does not adversely affect the activities, enjoyment or property values of the neighborhood.

Hookah bar. An establishment where patrons communally smoke flavored tobacco, upon written clearance from the State of California Department of Health.

Hotel or Motel. A building or portion thereof, or a group of buildings, with access through a common entrance, lobby or hallway, to seven or more guestrooms that are designed and intended for paid overnight lodging on a short-term basis. The term "hotel" and "motel" may be used interchangeably.

Housing, permanent. Includes apartments, condominiums, duplexes, triplexes, fourplexes, row houses, townhouses.

Housing, temporary. A facility for transient occupancy, such as a hotel, or a bed & breakfast residence.

Kiosk for retail sales. Any portable, non-motorized, non-wheeled, semi-permanent structure used for the sale of retail goods, food, and/or beverages, and licensed by the City.

Glossary / Definitions of Mixed Use Land Uses

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Library. A public, quasi-public or privately-owned facility that is open to the public for the primary use of literary, musical, artistic or reference materials.

Live/Work unit. Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Massage establishment. Any fixed place of business where any individual, firm, association, partnership, or corporation engages in, conducts, or permits massages or health treatments involving massage on the premises.

Medical marijuana dispensary. A facility where medical marijuana is provided to a qualified patient, a person with an identification card, or to a qualified, primary caregiver, all of whom are defined in the California Health and Safety Code Sections 11362.5 and 11362.7 et.seq. as such sections may be amended from time to time.

Medical Office. An establishment that provides medical services by medical professionals such as physicians, dentists, chiropractors, optometrists or other similar medical staff. Includes a clinic, medical or dental laboratory or pharmacy incidental to an office, dialysis center, outpatient surgicenter, or urgent care. In the mixed use zones, hours of operation limited to 7 a.m. until 10 p.m.

Mixed Use District. *A zoning district that allows development on a single parcel, or on adjacent parcels, that contains different land uses (e.g., residential, commercial, professional office, civic, or recreation) that are complementary to each other.*

Mixed Use Horizontal Development. *Development that combines two or more types of land uses (e.g., residential, commercial, professional office, civic, or recreation) on a single development site, but not necessarily in the same building. Typically nonresidential uses are located adjacent to the street and residential uses are located away from major streets behind nonresidential uses.*

Mixed Use Vertical Development. *Development that combines two or more types of land uses (e.g., residential, commercial, professional office, civic, or recreation) in a single building in a vertical configuration, typically with residential uses located above nonresidential uses.*

Museum. A building serving as a repository for a collection of natural, scientific or literary curiosities or objects of interest, or works of art, arranged intended and designed to be used by the public for viewing. The sale of goods to the public as gifts may be included as an accessory use.

Glossary / Definitions of Mixed Use Land Uses

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Nightclub. A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment are permitted. Includes discotheques and dance halls.

Open air market. An establishment for the sale of fresh agricultural produce and related products, and licensed by the City.

Park. A non-commercial public outdoor recreational area that provides active or passive activities. Includes playgrounds.

Parking facility. An open, paved or otherwise surfaced area, or a structure, used for the parking and storage of vehicles, for free or for compensation or to accommodate patrons, customers or clientele of a business.

Pawn shop. An establishment that lends money at a specified rate of interest on articles of personal property left as security. Does not include gun sales unless a conditional use permit application is filed, reviewed, and approved by the Planning Commission.

Personal service. An establishment that offers services to its customers by an act or useful labor, including a barbershop, beauty salon, day spa, manicure, tailor, dry cleaning, laundromat, small appliance repair (household, television, stereo system, computer), watch & jewelry repair, shoe repair, tax preparation, travel agency, employment agency, ticket agency, copy center, printing, automobile rental (office only), computer rental, cyber café, package, postal and mailbox service.

Pet shop. An establishment engaged in the retail sale of animals, pet supplies or grooming, including exotic animals, which are defined as not commonly domesticated in the United States or are wild by nature. No boarding of animals are permitted.

Pharmacy – An establishment where medications are dispensed by licensed pharmacists.

Professional office. An office used by persons who provide services that require a state license or certificate, such as accountants, architects, planners, engineers, surveyors, geologists, lawyers, designers, real estate agents, investment brokers, title and escrow offices, business incubator, but does not include a veterinary office or kennel, nor any adult-oriented business.

Recreation facility. An establishment that provides entertainment activities or services for a fee or admission charge, including a bowling alley, electronic game arcades, billiard rooms, miniature golf, indoor party center.

Glossary / Definitions of Mixed Use Land Uses

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Residential care facility. In accordance with Section 1502 of the Health and Safety Code, any family home, group care facility or similar establishment for 24-hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Retail sale. The selling of goods, wares or merchandise directly to the ultimate consumer or persons without a resale license. Establishments may include convenience mart, florist or flower shop, grocery, insurance, pharmacy, jewelry, apparel, gift, hobby, hardware, bookstore, stationery, art exhibit & gallery, sporting goods, bicycle and bicycle rental, toy, music store (including sale of instruments, records, tapes), vehicle parts (excluding repair and service), antiques.

Street vendor. A portable, non-permanent, wheeled, movable facility for the sale of retail merchandise or food and beverages from a wagon or pushcart by a vendor with a valid City business license.

Studio / Workshop. A studio facility for the arts, crafts, photography, music and music recording, dance, gymnastics, aerobics, yoga, martial arts, cooking.

Swap Meet. A building (indoor) or outdoor area in which stalls or sales areas are set aside, rented or otherwise provided, which are used by unrelated individuals to sell, trade, exchange, or place on consignment, or swap articles that are either new, homemade, homegrown, old, antique, or obsolete. Includes flea market or farmers' market.

Tattoo. An establishment that provides body art designs and service, including body piercing, for its customers, provided that the business owner complies with all applicable requirements of the County Health Department, County Sheriff's Department, and conditions of approval that shall include age restriction, full screening of service operations, hours of operation, and measures to control loitering and traffic at the site.

Theatre. A building or portion thereof for the showing of motion pictures, or for dramatic, dance, musical or other live performances.

Thrift store. A for profit or nonprofit business that engages in the sale or resale of previously owned or used goods and merchandise.

Wireless telecommunications facility. A facility that radiates or receives commercial cellular communications service and/or data radio signals to/from ground-mounted, building-mounted or structure-mounted poles, towers or antenna.

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17.134.035 Standards for Eating and Drinking Establishments and Sidewalk Cafes.

- A. Eating and drinking establishments and sidewalk cafes may operate between the hours of 6:00 a.m. and 11:00 p.m.
- B. A sidewalk café within the public right-of-way may be permitted only in conjunction with and adjacent to a street level eating or drinking establishment. The café must maintain a clear path of travel free of obstructions that impede the flow of pedestrian traffic.
- C. No outdoor establishment shall operate musical instruments or sound reproduction devices unless a Conditional Use Permit is approved enabling and controlling such operation.
- D. The design of the outdoor seating areas, if applicable, shall be consistent with the main building to which it is attached, in materials, colors and amenities such as railings, light fixtures, canopies, and furniture.

17.134.037 Standards for Kiosk retail sales

- A. A kiosk may be permitted on private property within a defined plaza area and between buildings that are part of a professional office, commercial or mixed-use development.
- B. A kiosk generally should not exceed five (5) feet in width, nine (9) feet in length, and no more than six (6) feet in height excluding canopies, umbrellas or transparent enclosures. Deviations in size may be approved by the Director of Community Development on a case-by-case basis upon consideration of the uniqueness of the site or user circumstances.
- C. The kiosk shall not obstruct access to or occupy a parking space, obstruct access to a parked vehicle, impede the delivery of materials to adjoining property, interfere with access to public property or any adjoining property, or interfere with maintenance or use of street furniture.
- D. The number of employees per individual kiosk shall be limited to two persons at any one time.
- E. All kiosks shall be self-contained or located on a site that has been specifically designed to provide water, waste and power to operate the kiosk. No exposed pipes or wires are permitted.
- F. The design, color scheme and signage of the kiosk shall be appropriate to its location.
- G. All packaging containers or boxes shall be stored within the kiosk.
- H. The sale of alcoholic beverages shall be prohibited.
- I. The kiosk owner shall have a valid City business license.

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17.134.040 Minimum Lot Area.

- A. For a mixed use *horizontal development*, the minimum lot area required for each dwelling unit is 1,815 square feet of net lot area per unit, with a maximum residential density of 24 dwelling units per acre.
- B. To determine the maximum number of dwelling units allowed for a *mixed use horizontal development*, divide the total net lot area by the required lot area for each unit. The resultant number shall be rounded down to the nearest whole number.
- C. For a mixed use *vertical development*, the maximum residential density is 24 dwelling units per acre.

17.134.050 Minimum Dwelling Unit Size

- A. The minimum dwelling unit size for mixed use vertical development, exclusive of any balcony or patio area, is as follows:
 - 1. Bachelor dwelling units (sleeping quarters within the living room area): 450 square feet.
 - 2. One-bedroom dwelling units: 600 square feet.
 - 3. Two-bedroom dwelling units or larger: 700 square feet plus 100 square feet for each additional bedroom.

17.134.070 Parking in the CMU District

- A. No off-street parking is required for non-residential uses unless the use exceeds 3,000 square feet of gross floor area in which case one (1) off-street parking space is required for every 250 square feet beyond 3,000 square feet. In places of assembly, one (1) off-street parking space is required for every 21 square feet of floor area in accordance with Chapter 17.148 – Parking Requirements of the LEMC.
- B. Residential uses shall comply with Chapter 17.148, Parking Requirements. However, a request to reduce the number of required parking spaces may be made to the Planning Commission concurrent with a Design Review or Conditional Use Permit application, provided a Parking Study supports the finding that the number of parking spaces actually needed for a specific project is less than that required by Code.
- C. Tandem parking may be allowed for residential uses with the approval of the Director of Community Development.

17.134.080 Design Review in the CMU District

- A. No grading or building permit shall be issued for the development of a project in the RMU zone until the developer has filed an

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application for Design Review, or a Conditional Use Permit that includes a Design Review, reviewed by all City Departments and approved by the City Planning Commission.

- B. The Design Review approval shall expire after two years unless a building permit has been issued for the project, or the applicant has filed a request for a one-year extension of time prior to expiration. The applicant may file additional requests for one-year extensions of time, however, the expiration of a Design Review approval shall not be extended beyond a total of three (3) additional years. All requests for extension are subject to review and approval by the Director of Community Development.
- C. A Design Review that accompanies a Conditional Use Permit is subject to the same limitations as the Conditional Use Permit, in accordance with Section 17.134.080.D.
- D. Conditional Use Permit approval shall lapse and become void after one year unless a building permit has been issued for the project and construction has commenced and diligently pursued toward completion, in accordance with Chapter 17.168 of the LEMC.
- E. Any alteration or modification of an approved project or its conditions of approval shall require the written request by the applicant and written approval by the Director of Community Development.
- F. Fifty percent (50%) or more of the project's gross floor area shall be devoted to commercial uses within the CMU zone.
- G. Access to residential units shall be provided separately from commercial uses, in an enclosed and locked foyer. Buildings requiring an elevator access to residential units, shall provide the elevator in a locked foyer on the ground floor.
- H. Adequate internal and external lighting shall be provided for security purposes. Lighting shall be energy efficient, stationary, downcast, and deflected away from residential units, adjacent properties and public-rights-of-way. A lighting plan shall accompany the Design Review or Conditional Use Permit application to ensure that no light conflicts with adjacent residential uses, and that safety is addressed in all areas of the project.

17.134.090 Lake Elsinore Municipal Code References. Where this chapter is silent, the following chapters or portions thereof in the LEMC shall apply:

- | | |
|---|-----------------|
| 1. Definitions | Ch 17.08 |
| 2. <i>Residential Development Standards</i> | <i>Ch 17.44</i> |
| 3. Home Occupation Regulations | Ch 17.48 |
| 4. Condominiums & Condominium Conversions | Ch 17.88 |
| 5. Non-Residential Standards | Ch 17.112 |
| 6. Parking Requirements | Ch 17.148 |
| 7. Medical Marijuana Dispensaries | Ch 17.156 |
| 8. Nonconforming Uses | Ch 17.164 |

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| 9. Conditional Use Permits | Ch 17.168 |
| 10. Variances | Ch 17.172 |
| 11. Noise Control | Ch 17.176 |
| 12. Administration–Planning Commission & City Council | Ch 17.180 |
| 13. Design Review | Ch 17.184 |
| 14. Amendments | Ch 17.188 |
| 15. Hearings | Ch 17.192 |
| 16. Signs-Advertising Structures | Ch 17.196 |
| 17. Temporary Uses | Ch 17.200 |

17.134.100 Mixed Use Development Matrix

| | | | | MU Matrix | | | | | |
|---|------------------|--------------------|--------------------|---|---------------------------|-------------|--|--|--|
| Category | | CMU | RMU | | | | | | |
| <i>Predominant Use</i> | | <i>Commercial</i> | <i>Residential</i> | | | | | | |
| | <i>Standard</i> | > 50% net lot size | > 70% net lot size | | | | | | |
| FAR | | 0.80:1 | 1.0:1 | | | | | | |
| Density | | 7-18 du/ac | 19-24 du/ac | | Net acreage used in calcs | | | | |
| <i>Density with Density Bonus</i> | | | Up to 35 du/ac | See Sec | 17.86.060 | | | | |
| Lot Size | | No. Min. | No Min. | | | | | | |
| Setbacks: | | | | | | | | | |
| | Front | 10' | 10' | For LS, walkway, outdoor dining, fountains, street furn; no parking | | | | | |
| | <i>Str Front</i> | 10' | 10' | For LS, walkway, outdoor dining, fountains, street furn; no parking | | | | | |
| | Interior | None* | None* | If CMU abuts R-zoned properties, 20' . If RMU, match R-zone setbk | | | | | |
| Separation | | | | Per Fire & Safety Code requirements | | | | | |
| Height | | | | Varied rooflines | | | | | |
| Parking | | | | See Sec | 17.86.070 | ,17.134.070 | | | |
| | Shared | | | W/Parking Study that addresses peak pkg demand | | | | | |
| | | | | W/Shared Parking Agreement executed and filed | | | | | |
| Loading | | | | Non-street facing. | | | | | |
| Screening | | | | Parking, loading, trash storage, cart storage, RME | | | | | |
| For properties within the Downtown Master Plan, development standards of the Downtown Master Plan | | | | | | | | | |
| supersedes this Matrix. | | | | | | | | | |
| Where this Matrix is silent, the LEMC shall apply. | | | | | | | | | |
| <i>Amended by the Planning Commission, 3-20-12</i> | | | | | | | | | |