

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No 2010-19

A resolution of intention to initiate amendments to Title 17, Zoning, adding additional permitted uses to the Multi-Family Residential (MFR) and General Commercial (GC) zoning districts and adding definitions for “daycare” type uses, “residential care facilities,” and “fitness or exercise studio and health club” to the zoning ordinance

WHEREAS, the Mariposa County Code is adopted by ordinance; and

WHEREAS, Title 17, Chapter 17.316 establishes Multi-Family Residential (MFR) zoning standards; and

WHEREAS, Title 17, Chapter 17.320 establishes General Commercial (GC) zoning standards; and

WHEREAS, Section 17.316.020 establishes Multi-Family Residential Development Standards; and

WHEREAS, Section 17.320.020 establishes General Commercial Development Standards; and

WHEREAS, Section 17.148 establishes Definitions used throughout the zoning ordinance; and

WHEREAS, Section 17.148.010 establishes Definition of terms and phrases; and

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 5-1a(2) states that “land development regulations should respect the diversity of rural lifestyles allowing the right to use one’s property.” Adding additional permitted uses to the MFR and GC zones will expand on what one can do with one’s property thus allowing for more options and ultimately contributing to the rural and diverse Mariposa lifestyle.

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 5-4b(1) states that “zoning shall include provisions to include zoning districts with flexible standards for defining business and industry uses in a changing economy.” What this means is that the County’s zoning ordinance needs to evolve and change given changing world and local economic needs and demands. Proven new technology and societal evolution should be incorporated

into the County's zoning ordinance resulting in positive and progressive change for all Mariposa County residents.

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby initiate amendments to Sections 17.316.020, 17.320.020 and 17.148.010 of Mariposa County Code.

BE IT THEREFORE FURTHER RESOLVED THAT the proposed amendments to Sections 17.108.070, 17.148.010, 17.316.020, 17.320.020 and 17.334.030 would incorporate additional definitions and bring additional permitted use classifications to the MFR and GC zoning districts in keeping with previous Planning Director determinations and the goals, policies and implementation measures contained in the Mariposa County General Plan.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.148.010 of the Mariposa County Code will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike thru type~~):

17.148.010 Definitions of terms and phrases.

The following terms and phrases shall be used in this title and are listed alphabetically:

Day care centers:

A home or commercial facility that provides non-medical care and supervision for more than 14 children in a group setting on a less than 24-hour basis. This classification includes nursery school, preschools, and day care centers for adults and children.

Churches and religious assembly:

A facility for religious worship and incidental religious education, but not including a private school.

Fitness or exercise studios and health clubs:

A place of business with equipment and facilities for exercising and improving physical fitness. This classification includes health clubs, gymnasiums (that are not public), private clubs (athletic, health or recreational), reducing salons, and weight control establishments.

Large family day care homes:

A home that provides non-medical care and supervision of no more than 14 children in the caregiver's home on a less than 24-hour basis.

Residential care facility:

A facility which provides 24-hour care for 7 or more persons in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California.

Small family day care homes:

A home that provides non-medical care and supervision of no more than 8 children in the caregiver's home on a less than 24-hour basis.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.316.020.A.(1)b of the Mariposa County Code will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

17.316.020 Development standards for MFR.

Development standards for the MFR zone shall be as follows:

- A. Uses:
1. Permitted uses:
 - a. Single family residential structures in accordance with the density standards set forth in Section 17.316.020(B) and subject to the architectural theme and development guidelines for the design review overlay zone contained in Section 17.336.060;
 - b. Attached residential units including duplexes, apartments, condominiums, townhouses, *residential care facilities*, and similar development subject to the density standards established herein;
 - c. Residential accessory structures.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.316.020.A.(1)b of the Mariposa County Code will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

17.320.020 Development standards for GC.

Development standards for the GC zone shall be as follows:

- A. Uses:
1. Permitted uses:
 - a. General retail sales located within a building generally including the sale of food, clothing, hardware, drugs, liquor, general merchandise, artwork, antiques, auto parts and other uses of a similar character;
 - b. Professional offices of a service character located within a building including doctor, dentist, real estate sales, title company, attorney and other similar offices; photographic studios, printing and duplicating services and other uses of a similar character;
 - c. Restaurants, drive-in restaurants, cocktail lounges, bowling alleys, movie theaters, lodge halls and other similar uses;
 - d. Hotels, motels, conference facilities and other similar tourist service facilities;
 - e. Dry cleaning establishments, laundromats, video rental and other similar miscellaneous uses;
 - f. A maximum of four (4) residential units per parcel when an integral part of a commercial development.
 - g. Day care centers;

uses: h. Fitness or exercise studios and health clubs and similar

i. Churches and religious assembly.

2. Conditional uses:

- a. Any uses involving outside sales or storage areas;
- b. Service stations;
- c. Any use involving the bulk storage of flammable or hazardous materials;
- d. Emergency medical care facilities, fire stations and other similar uses;
- e. Single or multi-family residential uses in accordance with the density standards contained in Chapter 17.316 (multi-family residential zone).

3. Prohibited uses:

All uses not listed as permitted or conditional shall be prohibited, except similar uses in compliance with Section 17.334.060.

B. Minimum lot size/density: Minimum lot size shall be nine thousand (9,000) sq. ft. exclusive of road easements. (Ord. 912 Sec.II, 1997; Ord. 822, Sec.I, 1992)

BE IT THEREFORE FINALLY RESOLVED THAT all other text in this Section of County Code shall remain unchanged.

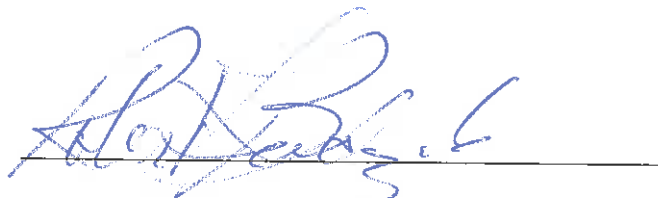
ON MOTION BY Commissioner Marsden, seconded by Commissioner Tucker, this resolution duly passed and adopted this 10th day of September 2010 by the following vote:

AYES: Marsden, Ruzik and Tucker

NOES:

ABSENT: Francisco and Ross

ABSTAIN:



Robert L. Rudzik, Chairman
Mariposa County Planning Commission

Attest:



Carol Suggs, Office Technician