

RECOMMENDED ACTION AND JUSTIFICATION: Approval of the proposed amendment to Section 17.334.020 of the Zoning Ordinance. The Planning Commission recommended approval of this amendment to the zoning ordinance following a public hearing, review of the staff report, and testimony by the public concerning the application.

The Board action would be to waive the second reading and adopt an ordinance amending Zoning Ordinance text for Specific Plan / Zoning Amendment 2009-101

BACKGROUND AND CONTEXT OF BOARD ACTIONS:

The Board of Supervisors will take final action on the amendment by adopting the ordinance. This second reading of the ordinance approving the amendments to the zoning ordinance is occurring two weeks following the Board's action on January 26, 2010 to adopt a resolution and waive the first reading amending Mariposa Town Planning Area specific plan and Zoning Ordinance text for Specific Plan/Zoning Amendment 2009-101. The ordinance is effective thirty (30) days after the second reading. Once the specific plan / zoning amendment becomes effective, the process is final.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: If the Board denies the amendment, bed and breakfast inns would continue to operate as they are currently permitted by zoning, with a maximum of three bedrooms.

Financial Impact? () Yes (X) No Current FY Cost: \$ Annual Recurring Cost: \$
Budgeted In Current FY? (X) Yes () No () Partially Funded

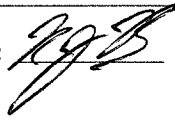
Amount in Budget:	\$ _____	List Attachments, number pages consecutively
Additional Funding Needed:	\$ _____	Exhibit A – Final Ordinance
Source:		_____
Internal Transfer	_____	_____
Unanticipated Revenue	_____ 4/5's vote	_____
Transfer Between Funds	_____ 4/5's vote	_____
Contingency	_____ 4/5's vote	_____
() General () Other		_____

CLERK'S USE ONLY:

Res. No.: _____
Vote - Ayes: 5
Absent: _____
 Approved
 Minute Order Attached No Action Necessary
The foregoing instrument is a correct copy of the original on file in this office.
Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments: _____

CAO: 

STATE OF CALIFORNIA
COUNTY OF MARIPOSA BOARD OF SUPERVISORS

MARIPOSA COUNTY ORDINANCE NO. 1068

AN ORDINANCE AMENDING SECTION 17.334.020 OF THE MARIPOSA COUNTY
CODE

WHEREAS, the Mariposa County Planning Commission initiated Specific Plan / Zoning Amendment Application No. 2009-101 based upon the recommendation of the Planning Department staff; and

WHEREAS, Application No. 2009-101 will increase the number of bedrooms that can be rented in bed and breakfast establishments in the Town of Mariposa from the existing three allowed bedrooms to five bedrooms, and add that breakfast is prepared each day in a bed and breakfast establishment in a kitchen appropriately permitted by the Health Department; and

WHEREAS, the Planning Commission held a duly noticed public hearing on Zoning Amendment 2009-101 on the 9TH day of October, 2009, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Zoning Amendment 2009-101 on the 26th day of January, 2010, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on Zoning Amendment 2009-101 in accordance with the California Environmental Quality Act, a Notice of Exemption has been adopted, and a Notice of Exemption will be filed for the project.

NOW THEREFORE BE IT ORDAINED, the Board of Supervisors of the County of Mariposa does hereby amend the definition of bed and breakfast establishments in Section 17.334.020 of the Zoning Ordinance to add that breakfast is prepared each day in a bed and breakfast inn in a kitchen appropriately permitted by the Health Department, and Section 17.334.020.A of the Zoning Ordinance to allow bed and breakfast establishments no more than five (5) bedrooms available for occupancy by transients in the Mariposa Town Planning Area. Amendments are made as follows:

Section I:

17.334.020 Bed and breakfast and residential transient rentals.

Bed and breakfast and transient rental establishments shall be considered a permitted use within all single family residential structures. Bed and breakfast establishments are defined as a single family residential structure in which there is a full time, permanent resident family, and a limited number of guest bedrooms. Breakfast is prepared each day in a kitchen appropriately permitted by the Health Department. Residential transient establishments are defined as a single family

structure which is available for rental to a family or a group on a transient basis. These structures are also defined as single family dwelling units wherein title is held by a deed which describes only that property on which the structure is located or the single family dwelling unit together with any common areas. Notwithstanding other code provisions, a duplex shall be considered a single family dwelling for the purpose of this chapter. The following requirements shall apply:

A. No more than three (3) bedrooms are available for occupancy by transients for residential transient rentals. No more than five (5) bedrooms are available for occupancy by transients for bed and breakfast establishments.

Section II: This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

PASSED AND ADOPTED on this 9th day of February, 2010, by the following vote:

AYES: ABORN, TURPIN, BIBBY, CANN, ALLEN

NOES: NONE

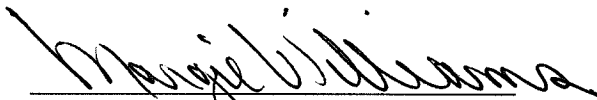
ABSTAINED: NONE

EXCUSED: NONE



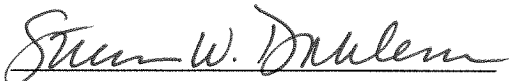
Kevin Cann, Chair
Mariposa County Board of Supervisors

Attest:



Margie Williams
Clerk of the Board of Supervisors

Approved as to Form:



Steven W. Dahlem
County Counsel