

**DEPARTMENT:** Planning

**BY:** Karen Peneschi  
**PHONE:** (209) 966-5151

**RECOMMENDED ACTION AND JUSTIFICATION:**

Waive the Second Reading and Adopt an Ordinance Amending Zoning Ordinance Text For the Following:

Code Amendment 2011-041: Amendments to Title 17, Zoning, Adding Additional Permitted and Conditional Uses to the Neighborhood Commercial Zone-1, (Indoor) (CN-1) Zoning District and Adding a Definition For "Animal Hospitals and Veterinary Services" to the Definitions Section of the Zoning Ordinance.

Code Amendment 2010-168: Amendment to Title 17, Zoning, to Amend the Agriculture Exclusive (AE) Zone and the Supplementary Standards to Allow Bed and Breakfasts and Transient Rentals with an On-Site Manager as a Permitted Use in the AE Zone.

General Plan/Zoning Amendment 2011-024: Amendments to the Mariposa Town Planning Area Specific Plan and 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.

General Plan/Zoning Amendment 2011-025: Amendment to the Mariposa Town Planning Area Specific Plan and Title 17, Zoning, Adding an Additional Permitted Use to the Single Family Residential (9,000 Square Foot) Zone (SFR-9K) and Adding a Definition for "Wellness Center" to the Definitions Section of the Zoning Ordinance.

General Plan/Zoning Amendment 2011-026: Amendments to Section 3 of the Mariposa Town Planning Area Specific Plan and to Title 17, Zoning, Adding "Fitness or Exercise Studio and Health Club" As Either a Permitted Use or Administrative Use to the Professional Office (PO) Zoning District.

**BACKGROUND AND HISTORY OF BOARD ACTIONS**

The Board of Supervisors will take final action on the amendments by adopting the ordinance. This second reading of the ordinance approving the amendments to the zoning ordinance follows the Board's action on October 11, 2011 to adopt individual resolutions (Resolution Numbers 11-506, 11-507, 11-508, 11-509, and 11-510) and waive the first reading amending Mariposa Town Planning Area specific plan and Zoning Ordinance text. The ordinance is effective thirty (30) days after the second reading. Once the specific plan / zoning amendments become effective, the process is final.

Note: These Zoning Ordinance amendments were processed together with Subdivision Ordinance amendments. The Subdivision Ordinance amendments will be scheduled for action by the Board at a separate meeting.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

A negative action would mean County Code and the Mariposa Town Plan would not be amended.

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

Annual Recurring Cost: \$

Amount in Budget: \$ \_\_\_\_\_

List Attachments, number pages consecutively

Additional Funding Needed: \$ \_\_\_\_\_

Exhibit A - Final Ordinance

Source:

Exhibit B - Summary Ordinance for Publication

Internal Transfer \_\_\_\_\_

Exhibit C - Board Minute Order Oct. 11, 2011

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.: \_\_\_\_\_

Ord. No. 1087

Vote - Ayes: 5

Noes: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstained: \_\_\_\_\_

*MW* ) Approved

*6* ) 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: *RJB*



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

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LYLE TURPIN, VICE-CHAIR  
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JIM ALLEN

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DISTRICT I  
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## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

TO: KRIS SCHENK, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Waive the Second Reading and Adopt an Ordinance Amending Zoning Ordinance Text for the Following:

ORD. 1087

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on January 17, 2012

#### ACTION AND VOTE:

12

#### **Planning**

Waive the Second Reading and Adopt an Ordinance Amending Zoning Ordinance Text for the Following:

Code Amendment 2011-041: Amendments to Title 17, Zoning, Adding Additional Permitted and Conditional Uses to the Neighborhood Commercial Zone-1, (Indoor) (CN-1) Zoning District and Adding a Definition for "Animal Hospitals and Veterinary Services" to the Definitions Section of the Zoning Ordinance

Code Amendment 2010-168: Amendment to Title 17, Zoning, to Amend the Agriculture Exclusive (AE) Zone and the Supplementary Standards to Allow Bed and Breakfasts and Transient Rentals with an On-Site Manager as a Permitted Use in the AE Zone

General Plan/Zoning Amendment 2011-024: Amendments to the Mariposa Town Planning Area Specific Plan and 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

General Plan/Zoning Amendment 2011-025: Amendment to the Mariposa Town Planning Area Specific Plan and Title 17, Zoning, Adding an Additional Permitted Use to the Single Family Residential (9,000 Square Foot) Zone (SFR-9K) and Adding a Definition for "Wellness Center" to the Definitions Section of the Zoning Ordinance

General Plan/Zoning Amendment 2011-026: Amendments to Section 3 of the Mariposa Town Planning Area Specific Plan and to Title 17, Zoning, Adding "Fitness or Exercise Studio and Health Club" as Either a Permitted Use or Administrative Use to the Professional Office (PO) Zoning District

**BOARD ACTION:** Kris Schenk was present. Discussion was held with Karen Peneschi/Assistant Planner, relative to the item. (M)Cann, (S)Allen, the second reading was waived and Ordinance No. 1087 was adopted approving recommended Code Amendments. Chair Bibby read the title of the Ordinance into the record. Ayes: Unanimous.

Cc: File

**STATE OF CALIFORNIA  
COUNTY OF MARIPOSA BOARD OF SUPERVISORS**

**MARIPOSA COUNTY ORDINANCE NO. 1087**

**AN ORDINANCE AMENDING CHAPTER 17.40 AND SECTIONS 17.76.020,  
17.148.010, 17.312.020, 17.316.020, 17.318.020, AND 17.320.020 OF MARIPOSA  
COUNTY CODE (ZONING)**

**WHEREAS**, the Mariposa County Board of Supervisors initiated Zoning Amendment Application No. **2010-168** and the Mariposa County Planning Commission initiated Zoning Amendment Application No. **2011-041** and General Plan / Zoning Amendment Application Nos. **2011-024, 2011-025, and 2011-026**; and

**WHEREAS**, Application No. 2010-168 proposes to amend Chapter 17.40 to allow bed and breakfast and transient rental establishments with a permanent on-site manager to be permitted uses in the AE zone; and

**WHEREAS**, Application No. 2011-041 proposes to amend Sections 17.76.020 and 17.148.010 to incorporate animal hospitals and veterinary services as additional permitted uses in the CN-1 zoning district and adds a new definition to the zoning code; and

**WHEREAS**, Application No. 2011-024 proposes to amend Sections 17.148.010, 17.316.020, and 17.320.020 to add day care centers, fitness studios, and churches as additional permitted uses to the GC zone, adds large residential care facilities as an additional permitted use to the MFR zone, and adds new definitions to the zoning ordinance in keeping with previous Planning Director determinations and implements Housing Element Program 8.6 of the Mariposa County General Plan to provide affordable housing for persons with disabilities as required by state law; and

**WHEREAS**, Application No. 2011-025 proposes to amend Sections 17.148.010 and 17.312.020 to add wellness centers as an additional permitted use in the SFR-9K zoning district and adds a new definition to the zoning code; and

**WHEREAS**, Application No. 2011-026 proposes to amend Section 17.318.020 to add fitness or exercise studios and health clubs as additional permitted uses, and add fitness or exercise studios and health clubs as administrative uses should the proposed establishment be located near or adjacent to a residentially zoned area; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the 5<sup>th</sup> day of August, 2011, in accordance with state law and county code; and

**WHEREAS**, the Board of Supervisors held a duly noticed public hearing on the 11<sup>th</sup> day of October, 2011, in accordance with state law and county code; and

**WHEREAS**, environmental review has been conducted in accordance with the California Environmental Quality Act, a finding of Exemption has been made, 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 County Code, Zoning, as follows:

**Section I: Amend Chapter 17.40 as follows:**

**Chapter 17.40**

**AGRICULTURE EXCLUSIVE ZONE (AEZ)**

**Sections:**

17.40.010 Agriculture exclusive zone (AEZ).

**17.40.010 Agriculture exclusive zone (AEZ).**

The Agriculture Exclusive Zone (AEZ) as designated on the Mariposa County land use map, is applied to land considered to be most desirable for agriculture use. The purpose is to preserve the agricultural industry of Mariposa County as a viable economic activity.

A. **Development standards for the AEZ.** Development standards for the AEZ shall be as follows, with the express provision that any agritourism or agri-nature tourism use shall comply with all federal, state and local laws and regulations. In this code, agritourism and agri-nature tourism are subject to the same standards and regulations:

1. **Uses:**

a. **Permitted uses:** Ranching and commercial vineyards and orchards, nurseries, greenhouses, wineries, processing plants for products grown on-site (not including dairies), seasonal sale of agricultural products grown on-site from roadside stands or produce stands, permanent facilities for sale of and /or tasting rooms for agricultural products produced or processed on-site in accordance with the standards established by Section 17.108.070, u-pick operations, collaborative sales of agricultural products in accordance with state and federal standards, agricultural homestays in accordance with standards established by Section 17.40.010.A.4 and in conjunction with the primary agriculture production use of the property, Bed and Breakfasts and Transient Rentals which are managed by permanent on-site managers in accordance with the standards of Section 17.108.180; Collaborative AgriNature Tourism Events, horseback riding as an agritourism use, commercial row crops and other similar agricultural uses when conducted in a manner consistent with proper and accepted customs, standards, and practices, except those listed as administrative or conditional uses below; low density residential and employee housing in accordance with the density standards of this chapter; accessory buildings and accessory uses, barns, private stables, farm

equipment shelters, and other out buildings; home enterprises, rural home industry, public schools, public parks and other public facilities, such as volunteer fire departments, utility transmission and distribution lines, towers, poles and substations; mining, rock and mineral processing when in compliance with the Surface Mining and Reclamation Act; private airstrips and heliports for personal use by the property owner; and agricultural activities associated with a 4-H and/or FFA project or projects; and those applicable uses listed under Chapter 17.108. Limited agritourism and agri-nature tourism uses and activities pursuant to the definitions for agritourism and agri-nature tourism and in accordance with the development standards established by Section 17.40.010.A.4 shall be permitted when conducted in compliance with all of the following:

i. A daily use or activity is limited to no more than an average of 15 persons per day with a maximum of less than 106 in any given week (not counting employees). If averages are used, they must be on a per week basis.

b. **Administrative Use Permit uses:** Larger and more frequent agritourism and agri-nature tourism uses and activities pursuant to the definitions, and including but not limited to Collaborative AgriNature Tourism Events, petting zoos of resident animals, and hunting dog trials when no fire arms are discharged. All of the uses shall be conducted in compliance with all of the following:

i. A daily use or activity is limited to no more than an average of 35 persons per day with a maximum of 250 in any given week (not counting employees). If averages are used, they must be on a per week basis

ii. The use or activity is conducted in accordance with the development standards established by Section 17.40.010.A.4.

iii. Submittal of an agritourism facility compliance form to the Mariposa County Planning Department is required annually for reporting of agritourism activities and events. The report shall include information on the number of participants, days of activity, and hours of operation.

Agricultural activities associated with a 4-H and/or FFA project or projects shall not be subject to an administrative use permit.

Prior to issuance of an administrative use permit, the use or activity is subject to submittal of proposed use or activity and site plans for review by County departments and State agencies as to compliance with applicable laws, policies, codes and regulations.

Said County department review may determine that proposed activity or use is required to obtain a conditional use permit as defined below in this section.

c. **Conditional uses:** Intensive commercial agricultural uses including but not limited to the following: commercial hog ranches, livestock feed lots when confinement is for the purpose of finishing livestock for market, and commercial poultry farming; fertilizer plants or yards; animal sales yards; dairies;

dairy processing plants; experimental agricultural operations determined by the planning director that the operation could impact other agricultural operations in the county, including, but not limited to, those associated with the agri-biotech industry and genetic technologies; dormitory style housing facilities for employees; slaughter houses; very large and frequent agritourism uses and activities pursuant to the definition for agritourism for groups of 36 or more persons per day for ongoing activities up to more than 250 people per week and in accordance with the development standards established by Section 17.40.010.A.4; commercial hunting, hunting dog trials when fire arms are discharged, and game bird clubs; commercial target or shooting ranges, including archery; dude or guest ranches, riding clubs, commercial stables or animal boarding facilities and similar activities (which are not established as part of an agritourism operation or as a Rural Home Industry operation and meeting the standards and provisions listed in Section 17.108.080 and pertinent standards in 17.108.070); private schools, except as permitted by Section 17.108.060(I); churches; and recreational camps or religious organization camps; Transient Rentals with no on-site manager in accordance with the standards of Section 17.108.180; Glamping in accordance with the standards established by Section 17.108.180, except as modified by the standards herein. In addition to other conditions placed on them by the planning commission, slaughter houses shall have a minimum setback of fifteen hundred (1500) feet from state highways and adjacent higher density land use classifications or property lines. Agricultural activities associated with a 4-H and/or FFA project or projects shall not be subject to a conditional use permit.

d. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

**Section II: Amend Section 17.76.020.A.1 as follows:**

**17.76.020 Development standards for CN-1.**

Development standards for the CN-1 shall be as follows:

A. Uses:

1. Permitted Uses: The following indoor uses shall be permitted within any CN-1 zone:
  - a. Office and Professional Uses:
    - (1) Administrative, doctors, dental, stockbrokers, attorneys, accountants, real estate, and other similar professional offices;
    - (2) Libraries and reading rooms;
    - (3) Photographers' studios and supplies;
    - (4) Urgent care facilities.
  - b. Retail Sales:
    - (1) Antique and gift shops;
    - (2) Auto parts--new or reconditioned;
    - (3) Art galleries and studios;

- (4) Clothing, drug, food, beverage, hardware, paint, nursery stock, feed, radio, television, furniture, appliance, sporting goods, camping supplies, and variety stores.

c. Services:

- (1) Barber and beauty shops;
- (2) Banks and similar financial institutions;
- (3) Shoe repair shops;
- (4) Travel agencies, tourist information centers and other related services;
- (5) Locksmiths, gunsmiths, and other similar uses;
- (6) Convenience printing and duplicating services.
- (7) Animal hospitals and veterinary services

**Section III: Amend Section 17.312.020.A.1 as follows:**

**17.312.020 Development standards for SFR-9K.**

Development standards for the SFR-9K zone shall be as follows:

A. Uses:

1. Permitted uses:

- a. One (1) single family residence per parcel;
- b. Residential accessory structures;
- c. Residential care and day care facilities within a residence and serving six (6) or less residents in accordance with the standards contained in Section 17.334.030;
- d. Home occupations in accordance with the standards contained in Section 17.334.010.
- e. Wellness centers

**Section IV: Amend Section 17.316.020.A.1 as follows:**

**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, large residential care facilities, and similar development subject to the density standards established herein;
- c. Residential accessory structures.



**Section V: Amend Section 17.318.020 as follows:**

**17.318.020 Development standards for PO.**

Development standards for the PO zone shall be as follows:

A. Uses:

1. Permitted uses:

- a. Law offices, title company offices, accountants offices, insurance offices, and doctors and dentists offices;
- b. Government offices;
- c. Retail uses appurtenant to permitted uses;
- d. One (1) single family residential unit per parcel;
- e. Fitness or exercise studios and health clubs and similar uses when the proposed use does not directly abut a residentially zoned property or parcel;
- f. Other uses determined to be similar to and compatible with the above;

2. Administrative Use Permit uses:

- a. Fitness or exercise studios and health clubs if the proposed use directly abuts a residentially zoned property or parcel. The Planning Director, at his or her discretion, may determine that an administrative use permit be required in circumstances where a proposed fitness or exercise studio and health club is directly across the street from a residentially zoned property creating impacts to residential zoned sites. In issuing an administrative use permit, the Planning Director shall make written findings that;

- 1) The hours of operation are no earlier than 7:00 a.m. and no later than 9:00 p.m. Monday through Friday and no earlier than 8:00 a.m. and no later than 7:00 p.m. Saturday, Sunday and holidays.
- 2) All activities associated with the proposed fitness or exercise studio or health club shall be conducted indoors and at no time shall a fitness or exercise studio and health club conduct activities outside.
- 3) Parking for the site shall meet the zoning requirement of one (1) parking space for each three hundred (300) sq. ft. of gross floor area pursuant to Section 17.336.030.A.2.m.
- 4) All proposed lighting for any proposed fitness or exercise studio and health club shall not impact any adjacent residentially zoned site or sites. All site lighting is directed downward or away from residentially zoned properties. All proposed lighting shall comply with the International Dark Sky (Association) outdoor/residential standards or guidelines. The Director may require that shields be installed on site lighting directing the lighting away from any residentially zoned property. These

lighting provisions shall apply to fitness or exercise studios and health clubs adjacent to undeveloped and developed residentially zoned properties.

- 5) A proposed fitness or exercise studio and health club will not be detrimental to the health, safety and welfare of adjacent properties that may be affected by such establishments.
- 6) Any violation of the standards mentioned in 1 through 5 above, shall be brought to the attention of the Planning Director through written correspondence detailing the nature of the violation or violations. Corrective measures may be undertaken and prescribed by the Planning Director or the Planning Director may refer the matter to the Planning Commission for their consideration, amended conditions of approval or revocation.

3. Conditional uses:

- a. Churches, non-profit lodges clubs, fraternal organizations;
- b. Commercial parking lots;
- c. Multi-family residential in accordance with the density standards contained in Chapter 17.316 (multi-family residential zone).

4. 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. Density shall be one single family residence per 9,000 sq. ft. except that higher densities shall be allowed subject to an approved use permit.

**Section VI: Amend Section 17.320.020.A.1 as follows:**

**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;
- h. Fitness or exercise studios and health clubs and similar uses;
- i. Churches and religious assembly.

**Section VII: Amend Section 17.148.010 to add to the definitions as follows:**

**17.148.010 Definitions of terms and phrases.**

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

**Animal hospital and veterinary services:**

Establishments where animals receive medical treatment, surgical treatment, shelter and care on a commercial basis. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and boarding of animals is included if accessory to the hospital use; no exterior boarding of animals is allowed.

**Day care center:**

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.

**Church and religious assembly:**

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

**Fitness or exercise studio and health club:**

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 home:**

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.

**Large 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 home:**

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.

**Wellness center:**

An educational training business with most activities conducted in a residential structure which assists individuals in teaching nutritional cooking, menu planning, hygiene and grooming, basic housekeeping tasks, improving socialization skills, basic computing, job search, gardening and yard maintenance, and personal finance and budgeting.

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

**PASSED AND ADOPTED** on this 17<sup>th</sup> day of January 2012, by the following vote:

AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN

NOES: NONE

ABSTAINED: NONE

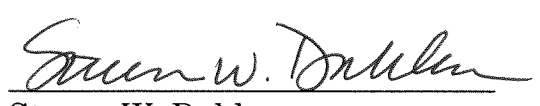
EXCUSED: NONE

  
\_\_\_\_\_  
Janet Bibby, Chair  
Mariposa County Board of Supervisors

Attest:

  
\_\_\_\_\_  
Margie Williams  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Steven W. Dahlem  
County Counsel