

DEPARTMENT: Planning

BY: Kris Schenk
PHONE: 742-1216

RECOMMENDED ACTION AND JUSTIFICATION: Waive second reading of the ordinance and adopt the ordinance amending Chapter 17.336 of the Mariposa County Code, Section 17.336.060.B and Section 17.336.070.A, per Board action on March 20, 2007.

BACKGROUND AND CONTEXT OF BOARD ACTIONS: On March 20, 2007, the Board of Supervisors held a public hearing on the Town Plan amendment and Zoning amendment regarding drive-thrus in the "Design Review Overlay Zone" and the "Historic Design Review Overlay Zone" in the Mariposa Town Planning Area. The Board of Supervisors adopted a resolution adopting a Negative Declaration and approving the proposed amendments. The Board also waived the first reading and introduced the ordinance. This is the second reading of the ordinance.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: If there are any serious concerns that have arisen since the introduction and first reading, this could be sent back to staff or the Planning Commission for further consideration.

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: \$ _____		<u>Ordinance</u>
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:

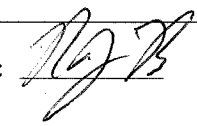
Res. No.: _____ Ord. No. 1036
 Vote - Ayes: 4 Noes: _____
 Absent: Tanpin
 Approved
 () Minute Order Attached () No Action Necessary

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: 

MARIPOSA COUNTY ORDINANCE NO. 1036

AN ORDINANCE AMENDING CHAPTER 17.336 OF THE MARIPOSA COUNTY CODE

WHEREAS, a proposal to amend the Mariposa County Zoning Ordinance was initiated by Halferty Development Co. LLC on September 27, 2006, and

WHEREAS the application is known as Specific Plan/Zoning Amendment Application No. 2006-295. The application proposes to amend "Section 17.336.060.B "Architectural theme and development guidelines for the design review overlay zone", and add "Section 17.336.070.A "Architectural theme and development guidelines for the historic design review overlay zone" to revise the conditions by which a drive-thru might be considered; and

WHEREAS, the Planning Commission held a duly noticed public hearing on Town Plan/Zoning Amendment No. 2006-295 on the 2nd day of February 2007, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Town Plan Plan/Zoning Amendment No. 2006-295 on the 20th day of March, 2007, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on Town Plan/Zoning Amendment No. 2006-295 in accordance with the California Environmental Quality Act, a Negative Declaration has been adopted and a Notice of Determination will be filed for the project.

NOW THEREFORE BE IT ORDAINED, the Board of Supervisors does hereby amend Section 17.336.060.B and 17.336.070.A of Chapter 17.336 pursuant to Specific Plan/Zoning Amendment No. 2006-295. Amendments are made as follows:

Section I

17.336.060 Architectural theme and development guidelines for the design review overlay zone.

B Building design standards:

1. Diversity of architectural style is encouraged within the broad bounds of what is appropriate for Mariposa;
2. Buildings shall incorporate functional elements of the historic buildings of the region, such as porches and roof overhangs for shade and weather protection, durable and fire resistant building materials and limited site excavation. The historic design review overlay architectural theme and development guidelines shall provide specific information regarding historical buildings;

3. Buildings shall have an appropriate scale which is harmonious with the neighborhood;

4. Building design and character should not conflict with adjoining development;

5. Monotony of design within the community should be avoided. Projects involving multiple buildings should include variation in building location and detail;

6. Base color for buildings (largest building surface) should generally be light colors in warm tones. Trim may be brighter or darker colors to compliment architectural features. Natural finishes such as stone, wood, brick, and tile are encouraged. Painted surfaces shall be harmonious with the natural finish. Quality and longevity of exterior finishes will be an important consideration in the design review;

7. All exterior mechanical equipment on roof, building and ground should be enclosed or screened from public view either by utilizing materials compatible with the building or locating them away from public view. Refuse storage areas, service yards and exterior work areas shall be screened from public areas such as streets, sidewalks and parks;

8. Drive-thru facilities shall be prohibited unless all of the following conditions are met:

a. The drive-thru facility is not a part of a commercial use that takes direct access from either State Highway 140 or 49;

b. The drive-thru facility shall be solely limited to providing prescription pharmaceutical products.

17.336.070.A Development Standards

These standards shall apply to residential, commercial and industrial development within the historic design review overlay zone.

A. Development standards: All standards of the architectural theme and development guidelines for the design review overlay zone shall apply within the historic design review overlay zone except as modified by the following specific standards:

1. All construction within the historic overlay zone shall comply with historical Mariposa architecture defined as architecture generally utilized in the region from the years 1850 to 1920 and which is exemplified by the buildings outlined in the list of historical resources in Mariposa contained in the Mariposa TPA specific plan. Spanish style construction is included as historically significant;

2. Buildings shall be constructed of wood, brick, adobe or stone. Modern materials which closely resemble the historic materials are allowable. Examples of the desired surface and texture of the historic material are provided as an appendix to this document;

3. All buildings shall comply with the style of architecture typical to the region in the period identified above. Such architecture typically included design features such as gabled or shed roofs, tall narrow windows and doors, dormer windows, functional iron or wood shutters, balconies, porches, awnings,

detailed scroll work, ornate functional elements such as vents, railings, support posts, etc. Examples of the desirable architectural elements are contained in the Mariposa County Gold Rush Design Review Guidelines, Mariposa County planning department;

4. Signs shall be constructed of natural materials consistent with No. 2 above. The maximum sign area for any business shall be thirty-two (32) sq. ft.. Graphic elements on the signs shall be designed utilizing the lettering types and techniques of the historic period. Lighting equipment for signs shall not be visible from public view. Sign standards shall be constructed of materials consistent with the historic architecture. Internally lit signs shall be prohibited within the district except for those provided for in Section 17.336.060.D.11;

5. New structures within the district shall not be significantly larger in size and scale than existing buildings within the historic overlay zone;

6. New development shall be designed to promote foot traffic throughout the historic overlay zone. Signs shall be designed to provide information to the pedestrian as well as the automobile;

7. Screening of parking areas from public view shall be strongly encouraged. This can be accomplished by locating the parking behind buildings or by utilizing landscaping;

8. Exposure and renovation of original building surfaces on historical structures shall be encouraged.

9. Notwithstanding the setback standards as contained in section 17.336.010, awnings, canopies, covered walkways, and other similar structures may be permitted in the front yard setback if reviewed and approved as part of the overall design plan of the building.

10. Drive-thru facilities shall be prohibited

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

PASSED AND ADOPTED on this 3rd day of April, 2007 by the following vote.

AYES:	Aborn, Bibby, Fritz, Pickard
NOES:	None
ABSTAINED:	None
EXCUSED:	Turpin
NOT VOTING:	None



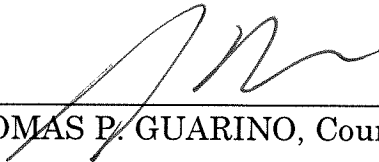
 Janet Bibby, Chair
 Mariposa County Board of Supervisors

Attest:



MARGIE WILLIAMS, Clerk of the Board
Mariposa County Board of Supervisors

APPROVED AS TO FORM:



THOMAS P. GUARINO, County Counsel