

~DRAFT~  
STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2011-19

A resolution recommending an environmental determination and 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.

---

- WHEREAS, the Mariposa County Planning Commission initiated Code Amendment Application No. 2011-041 based upon the recommendation of the Planning Department staff; and
- WHEREAS, the Mariposa County Code is adopted by ordinance; and
- WHEREAS, Title 17, Chapter 17.76 establishes Neighborhood Commercial Zone-1 (Indoor)(CN-1) zoning standards; and
- WHEREAS, Section 17.76.020 establishes Development Standards for the Neighborhood Commercial Zone-1, (Indoor); 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 an additional permitted use to the CN-1 zone will expand on what one can do with one's property as it pertains to evolving home enterprise businesses thus allowing for more options and ultimately contributing to the rural and diverse Mariposa lifestyle; and
- 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." Evolution of the County's zoning ordinance needs to occur in order to keep up with changing world and local economic needs and demands. Proven new technology and other societal factors should be incorporated into the County's zoning ordinance resulting in positive and progressive change for all Mariposa County residents; and

WHEREAS, the Planning Commission of the County of Mariposa initiated amendments to Sections 17.16.020 and 17.148.010 of Mariposa County Code on the 10<sup>th</sup> day of September 2010 with Resolution No. 2010-20; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 5<sup>th</sup> day of August 2011; and

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report and testimony presented by the public concerning the application.

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt a resolution directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving Code Amendment No. 2011-041.

BE IT THEREFORE FURTHER RESOLVED THAT the proposed amendments to Sections 17.16.020 and 17.148.010 would incorporate additional definitions and bring additional permitted and conditional use classifications to the CN-1 zoning district 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:

*Animal hospitals 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.*

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.316.020.(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~~):

**17.76.020 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

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

BE IT THEREFORE FINALLY RESOLVED THAT the recommendation for project approval is based on the following findings supported by substantial evidence in the public record:

1. **Finding:** The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.

**Evidence:** The public will benefit by having County Code and the General Plan in alignment (consistent) with each other, and by having state law implemented by county code. The amendment will not have a significant adverse affect on the general public health, safety, peace, and welfare.

2. **Finding:** The amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making.

**Evidence:** This amendment will improve the Mariposa County general plan by ensuring that county policy does not conflict with it, by ensuring that county code implements the general plan, and by ensuring that county code is consistent with state law.

3. **Finding:** That such amendment conforms to the requirements of state law and county policy.

**Evidence:** According to state law, general plans take precedence over zoning ordinances. This amendment conforms to the requirements of state law and county policy by aligning the zoning ordinance with the general plan. This amendment ensures county code is consistent with state law.

ON MOTION BY Commissioner Francisco, seconded by Commissioner Marsden, this resolution duly passed and adopted this 5<sup>th</sup> day of August, 2011 by the following vote:

AYES: ROSS, TUCKER, RUDZIK, FRANCISCO, MARSDEN

NOES: NONE

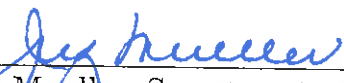
ABSENT: NONE

ABSTAIN: NONE



Robert L. Rudzik, Chairman  
Mariposa County Planning Commission

Attest:

  
\_\_\_\_\_  
Judy Mueller, Secretary to the  
Planning Commission