

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No 2011-16

A resolution to recommend an environmental determination and 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.

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WHEREAS, the Mariposa County Planning Commission initiated General Plan/ Zoning Amendment Application No. 2011-024 based upon the recommendation of the Planning Department staff; and

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

WHEREAS, Title 17, Chapter 17.316 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; 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.” 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; and

**WHEREAS**, the adopted Mariposa County General Plan Implementation Measure 8.6 states that the zoning ordinance shall be amended "to allow 24-hour community care facilities (group homes) for seven or more persons with disabilities; and

**WHEREAS**, the Planning Commission of the County of Mariposa initiated an amendment to amendments to Sections 17.316.020, 17.320.020 and 17.148.010 of Mariposa County Code on the 10<sup>th</sup> day of September, 2010 with Resolution No. 2010-19; 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 General Plan/Zoning Amendment No. 2011-024.

**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 recommended adoption of this General Plan/Zoning Amendment No. 2011-024 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.

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.

**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 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, *large 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;*
- h. Fitness or exercise studios and health clubs and similar uses;*
- 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:

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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 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.

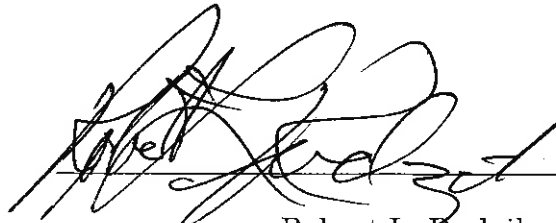
ON MOTION BY Commissioner Marsden, seconded by Commissioner Tucker, this resolution duly passed and adopted this 5<sup>th</sup> day of August 2011 by the following vote:

AYES: ROSS, TUCKER, RUDZIK, FRANCISCO, MARSDEN

NOES: NONE

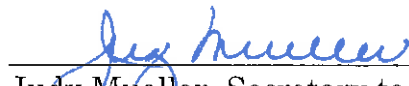
ABSENT: NONE

ABSTAIN: NONE



Robert L. Rudzik, Chairman  
Mariposa County Planning Commission

Attest:

  
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Judy Mueller, Secretary to the  
Planning Commission