

MARIPOSA COUNTY ORDINANCE NO. 961

AN ORDINANCE APPROVING ZONING AMENDMENT 2000-9 TO ADD SECTION 17.108.115 TO THE MARIPOSA COUNTY ZONING ORDINANCE

WHEREAS, the Board of Supervisors initiated an amendment to the Mariposa County Zoning Ordinance; and

WHEREAS, this amendment adds Section 17.108.115 to the Mariposa County Zoning Ordinance to allow the use of model homes in residential zoning districts for residential subdivision projects; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the amendment in accordance with State Law and County Code, and recommends approval of the amendment to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has held a duly noticed public hearing on the matter in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on the amendment in accordance with the California Environmental Quality Act and a Negative Declaration has been adopted for the project.

NOW THEREFORE BE IT ORDAINED, the Board of Supervisors hereby adds the new section to the Mariposa County Zoning Ordinance as shown in Exhibit A of this ordinance.

BE IT FURTHER ORDAINED, this action is based on the findings mandated by Section 17.128.050 of the Mariposa County Zoning Ordinance as stated and discussed in Exhibit B.

BE IT FINALLY ORDAINED, 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, 2001 by the following vote:

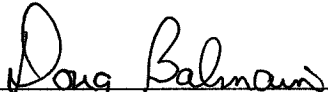
AYES: Reilly, Balmain, Stewart, Parker, Pickard

NOES: None

ABSTAINED: None


EXCUSED: None

NOT VOTING: None



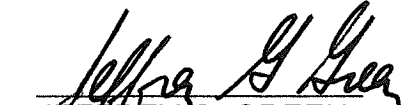
Doug Balmain, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS,
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN,
County Counsel

EXHIBIT A
ZONING AMENDMENT 2000-9

17.108.115 Model homes and model homes with sales offices within residential zoning districts. In a residential subdivision within a residential zoning district model homes may be constructed for purposes of being sample single family homes that are offered for construction and sale on lots within the subdivision.

A. One model home may be used as a place of business for real estate sales personnel.

1. The sales office within the model home shall be operated by a licensed real estate broker only within an office approved by the California Department of Real Estate.

2. The sales office shall be located within the subdivision in which the broker is representing lots for development.

3. The sales office shall be used for the sale of undeveloped lots and residences within the subdivision.

4. The model home in which the sales office is located shall not be used as a satellite office for the purposes of general sales of real estate.

5. A sales office meeting these standards shall not be subject to the provisions of home occupations or home businesses in this Title. The persons conducting business within the sales office located within a model home shall not be required to be residents of the model home.

B. All model homes shall be constructed to standards so that it is convertible to a single family dwelling for residential purposes.

C. The model home in which the sales office is located may convert the garage to an office, provided that the garage used as an office can be converted back to a garage when all lots within the subdivision are sold.

EXHIBIT B
FINDINGS FOR ZONING AMENDMENT 2000-9

- 1) The amendment will not have a significant adverse effect on the general public health, safety, peace and welfare. The amendment merely corrects a deficiency in the zoning ordinance and would allow the use of model homes within subdivision projects within residential zoning districts. Such homes would be converted to residential usage upon termination of its usage as a model home. It is in the general public interest to clarify the issue of and establish standards for the use of model homes.
- 2) This amendment clarifies for the proponents of subdivision projects and the general public what is allowed within residential zoning districts and, therefore, aids in providing a long term guide for county development. The amendment corrects a deficiency in the County Zoning Ordinance. This clarification also helps provide a short term basis for day-to-day decision making in that it further clarifies the types of uses that are allowed within individual development projects. This is of benefit to project proponents, the general public and county decision makers.
- 3) The amendment was processed in accordance with state law and county code with respect to notice, hearings and findings.
- 4) The amendment is consistent with the Land Use Overall Guiding Policy of the General Plan which states:

“To promote a balanced and functional mix of land uses consistent with community values, providing guidance to public and private investment. To reflect opportunities and constraints affecting land use as identified in other elements of the Mariposa County General Plan through the establishment of an overall land use plan for the County of Mariposa.”

The amendment is also specifically consistent with the Goals D and I of the Land Use Element. The amendment is consistent with all pertinent guiding policies, goals, policies and standards of the General Plan.

DEPARTMENT: Planning

By: Skip Strathearn
Associate Planner

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: Policy Item: Yes ___ No X

3/20/04 *Waive Second Reading and Adopt Ordinance*
1) Waive first reading and introduce an ordinance amending the zoning ordinance pursuant to Zoning Amendment 2000-9 with the recommended findings. The amendment, as recommended by the Planning Commission, would allow model homes and model homes with sales offices within residential zoning districts. 2) Adopt a negative declaration for ZA 2000-9.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- The amendment was initiated by the Board on December 12, 2000.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- ALTERNATIVES: 1) Revise amendment language
2) Deny the text amendment and leave the BDO unchanged.

NEGATIVE ACTION: If amendment is not approved, there would be no provision in county code to allow model homes and sales offices within model homes.

COSTS: (X) Not Applicable	
A. Budgeted Current FY	\$ _____
B. Total anticipated Costs	\$ _____
C. Required additional funding	\$ _____
D. Internal transfers	\$ _____

SPECIAL INSTRUCTIONS
List the attachments and number the pages consecutively:

Memorandum to Board with Attachments
Attachment A Planning Commission Resolution
Attachment B Staff Report to commission for ZA 2000-9
Attachment C Proposed Board Ordinance

COSTS: () 4/5th Vote Required	
A. Unanticipated revenues	\$ _____
B. Reserve for Contingencies	\$ _____
C. Source Description	\$ _____
Balance in Reserve Contingencies, If Approved:	\$ _____

CLERK'S USE ONLY

Res. No.: _____ Ord. No.: 961
Vote - Ayes: 5 Noes: _____
Absent: _____ Abstained: _____
 Approved Denied
 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

By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted for Comment

Returned for Further Action
Comment: _____

A.O. Initials: SA



COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222
DOUG BALMAIN, CHAIRMAN
ROBERT C. STEWART, VICE-CHAIRMAN
PATTI A. REILLY
GARRY R. PARKER
BOB PICKARD



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ERIC TOLL, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Reconsideration of Amended Language on Model Home Ordinance ZA-2000-9

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 24, 2001

ACTION AND VOTE:

B) Reconsideration of Amended Language on Model Home Ordinance ZA-2000-9 (No Folder)
(Continued from 4-17-01)

BOARD ACTION: Supervisor Balmain initiated discussion relative to reconsidering the inclusion of wording in Exhibit "A" to the Ordinance that the office be approved by the California Department of Real Estate. (M)Pickard, (S) Reilly, direction was given to staff to delete reference to the requirement that the office be approved by the State and to bring the Ordinance back for adoption/Ayes: Unanimous.

cc: File



COUNTY of MARIPOSA

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

DOUG BALMAIN, CHAIRMAN

ROBERT C. STEWART, VICE-CHAIRMAN

PATTI A. REILLY

GARRY R. PARKER

BOB PICKARD

DISTRICT II

DISTRICT III

DISTRICT I

DISTRICT IV

DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ERIC TOLL, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board *(PW)*
SUBJECT: Zoning Amendment 2000-9 – Model Homes

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on March 20, 2001

ACTION AND VOTE:

10:20 a.m. Eric Toll, Planning Director;

PUBLIC HEARING to Consider Zoning Amendment 2000-9 – Model Homes; County of Mariposa, Applicant

BOARD ACTION: Eric Toll presented the staff report and he advised that this zoning amendment will allow model homes to be used as real estate sales offices. He also recommended that 100-lot minimum requirement be deleted. He responded to questions from the Board relative to the condition requiring approval of the office by the California Department of Real Estate; as to why the ordinance is being proposed and what is trying to be accomplished; and whether an ordinance is required to allow for model homes.

Public portion of the hearing was opened and input was provided by the following:

Gene Mickel, owner of Century 21-Sierra Gold Real Estate, addressed the Board and said that he is neither for this nor against this but he feels it is good to have regulations for conducting commercial activity in a residential area. He said that the bigger developers build a "cookie-cutter" type house, but a good house, and in his opinion better than the mobile homes that we see. He said that this may impact his business but he would recommend the Board approve it. Gene responded to a question from the Board relative to the condition for the State to license the office.

Public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to additional questions from the Board as to whether the model home would be intended for residential use; whether this amendment would be exclusive to one real estate office; what would happen to the model home once the subdivision is sold out; whether the proposed ordinance has been provided to the town planning areas for review; and relative to addressing rural character issues. (M) Pickard, (S) Parker, first reading was waived and an ordinance introduced amending the zoning ordinance pursuant to Zoning Amendment No. 2000-9 with the recommended findings to allow model homes and model homes with real estate sales offices within residential zoning districts, with the change to delete the minimum number of

lots; and a Negative Declaration was adopted/Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly.
Hearing was closed.

Eric Toll provided information regarding zoning and the State law for a residential care facility and limitation of the number of residents to six. He advised that he will schedule this matter on the Board's agenda.

cc: File
Jeff Green, County Counsel