

MARIPOSA COUNTY ORDINANCE No. 740

AN ORDINANCE AMENDING SECTION 17.108.180 ENTITLED "BED AND BREAKFAST RESIDENTIAL TRANSIENT RENTALS" OF CHAPTER 17.108 ENTITLED "SUPPLEMENTARY STANDARDS"

THE BOARD OF SUPERVISORS of Mariposa County ordains as follows:

WHEREAS, Title 17 (Zoning) of the Mariposa County Code regulates the types of land use permitted on private property within the County; and

WHEREAS, bed and breakfast and residential transient rental establishments are considered a permitted home enterprise in all principal zones, except the AE, M-1 and M-2 Zones (approval of a Conditional Use Permit is required for properties in the AE Zone); and

WHEREAS, these land uses are considered to be accessory to existing residential uses, and currently subject to the same standards and requirements; and

WHEREAS, the Board of Supervisors has determined that there is a distinction between bed and breakfast, and residential transient rentals; and

WHEREAS, the Board of Supervisors has determined that these types of land uses are also distinct from and place additional demands on the residential land use.

NOW THEREFORE, the Board of Supervisors of Mariposa County, hereby establishes new special standards and full time criteria for bed and breakfast and residential transient rentals, and ordains as follows:

SECTION I: Section 17.108.180 entitled "Bed and breakfast and residential transient rentals" of Chapter 17.108 entitled "Supplementary Standards" is amended to read as follows:

17.108.180 Bed and Breakfast and Residential Transient Rentals. Bed and Breakfast and Transient Rental Establishments shall be considered a permitted home enterprise in all principal zones, except the AE, M-1 and M-2 zones. These provisions shall also be applicable in Town

Planning Areas with adopted specific plans unless otherwise specifically regulated or prohibited. Approval of a Conditional Use Permit shall be required for properties in the AE Zone. Bed and Breakfast Establishments are defined as a single family structure which is occupied by a non-transient. Residential Transient Establishments are defined as a single family structure which is available for rental to a family or a group on a transient basis. These structures are also defined as single family dwelling units wherein title is held by a deed which describes only that property on which the structure is located or the single family dwelling unit together with any common areas. Notwithstanding other code provisions, a duplex shall be considered a single family dwelling for the purpose of this chapter. Both Bed and Breakfast and Residential Transient Rentals shall meet the following requirements:

A. No more than three (3) bedrooms are available for occupancy by transients.

B. The structure and facilities used shall be approved for such use by the Mariposa County Health Department and shall at a minimum comply with the following standards:

1. The residence shall be serviced by an approved community sewage disposal system, or have an individual system satisfying current code requirements.

2. Water supply shall be by an approved community system, or from an individual well having quality and quantity satisfying current code requirements.

C. The structure and facilities used shall be approved by all fire protection agencies necessary to comply with applicable provisions of the Public Resources Code.

D. A sign of not more than four square feet shall be posted and clearly visible from the nearest road. The sign shall require the street address and may contain the name of the owner or the establishment. Large signs shall require Planning Commission approval.

E. At a minimum, an 8 1/2 x 11 inch written notice must be placed in each rental unit which contains the following information:

1. Instructions in case of fire or other emergency.

2. Quiet hours are between 10:00 p.m. and 8:00 a.m., and shall be strictly enforced.

3. Water and energy conservation measures.

4. Proper use of wood burning stoves and fireplaces.

5. Parking and snow removal requirements if necessary. No parking on roadway is permitted during snow removal periods declared by the Director of Public Works, pursuant to County Code, Section 10.08.110.

6. An identification of the character or area in which the unit is located (i.e. rural, agricultural, residential).

7. A statement relative to respect for adjacent property owner's rights and trespassing concerns.

F. At the time the permit is approved, the structure must be found in conformance with current building code requirements by the Chief Building Inspector relative to the basic health, safety and welfare of the occupants.

G. The following on-site parking standards shall apply:

1. Bed and breakfast establishments shall have two (2) parking spaces for the residence plus at least one (1) space for each bedroom available for rent.

2. Residential transient rental establishments shall have one (1) parking space for each bedroom to be rented.

3. Parking provided shall be maintained so that it is accessible, usable, and utilized at all times during the year, when it is occupied.

H. The applicant shall apply to the Mariposa County Planning Department for site plan review and approval. The Planning Department shall forward the application to the Building Department, Health department, and a fire protection agency for review.

I. Following approval by all appropriate agencies, a valid transient occupancy registration certificate shall be issued by the Mariposa County Treasurer/Tax Collector's Office.

J. These establishments are specifically excluded from the definition of "hotel" as described in this title.

SECTION II: The board of supervisors also finds that there is clearly no potential for causing a significant effect on the environment, and that the project is exempt from the California Environmental Quality Act under a general rule finding.

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

PASSED AND ADOPTED this 24th day of January, 1989, by the Board of Supervisors of Mariposa County by the following vote:

AYES: BAGGETT, PUNTE, ERICKSON, RADANOVICH, TABER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

Gertrude R. Taber
GERTRUDE R. TABER, Chairman
Mariposa County Board of Supervisors

ATTEST:

Margie Williams
MARGIE WILLIAMS,
Clerk of the Board

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Jeffrey G. Green
JEFFREY G. GREEN
County Counsel