

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No 2011-18

A resolution recommending an environmental determination and amendments to Section 3 of the Mariposa Town Planning Area specific plan and to Title 17, Zoning, adding "fitness or exercise studio and health club" as either a permitted use or administrative use to the Professional Office (PO) zoning district.

WHEREAS, the Mariposa County Planning Commission initiated Code Amendment Application No. 2011-026 based upon the recommendation of the Planning Department staff; and

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

WHEREAS, Section 3 of the Town Plan establishes Land Use Development Standards and Regulations and Title 17, Chapter 17.318 establishes Professional Office (PO) zoning standards; and

WHEREAS, Section 3.12.A of the Mariposa Town Planning Area specific plan and Section 17.318.020 of the zoning ordinance establishes provisions for the Professional Office land use and zoning district; and

WHEREAS, Section 3.12.A of the Mariposa Town Planning Area specific plan and Section 17.318.020 of the zoning ordinance outlines permitted uses, conditional uses, prohibited uses and minimum lot size/density; 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 and administrative uses to the PO zone 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 Planning Commission of the County of Mariposa initiated amendments to Section 17.318.020 of Mariposa County Code and Section 3.12.A Commercial Land Use Districts/Professional Office District of the Mariposa Town Plan on the 3rd day of December 2010 with Resolution No. 2010-28; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 5th 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. 2011-026.

BE IT THEREFORE FURTHER RESOLVED THAT the proposed amendments would incorporate “fitness or exercise studios and health clubs” as an additional permitted use and add “fitness or exercise studios and health clubs” as an administrative use should the proposed establishment be located near or adjacent to a residentially zoned areas in keeping with a previous Planning Commission determination on this issue and the goals, policies and implementation measures contained in the Mariposa County General Plan.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.318.020 of the Mariposa County Code will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

17.318.020 Development standards for PO.

Development standards for the PO zone shall be as follows:

A. Uses:

1. Permitted uses:

- a. Law offices, title company offices, accountants offices, insurance offices, and doctors and dentists offices;
- b. Government offices;
- c. Retail uses appurtenant to permitted uses;
- d. One (1) single family residential unit per parcel;

- e. Fitness or exercise studios and health clubs and similar uses when the proposed use does not directly abut a residentially zoned property or parcel;
- f. Other uses determined to be similar to and compatible with the above;

2. Administrative Use Permit uses:

a. Fitness or exercise studios and health clubs if the proposed use directly abuts a residentially zoned property or parcel. The Planning Director, at his or her discretion, may determine that an administrative use permit be required in circumstances where a proposed fitness or exercise studio and health club is directly across the street from a residentially zoned property creating impacts to residential zoned sites. In issuing an administrative use permit, the Planning Director shall make written findings that:

- 1) The hours of operation are no earlier than 7:00 a.m. and no later than 9:00 p.m. Monday through Friday and no earlier than 8:00 a.m. and no later than 7:00 p.m. Saturday, Sunday and holidays.
- 2) All activities associated with the proposed fitness or exercise studio or health club shall be conducted indoors and at no time shall a fitness or exercise studio and health club conduct activities outside.
- 3) Parking for the site shall meet the zoning requirement of one (1) parking space for each three hundred (300) sq. ft. of gross floor area pursuant to Section 17.336.030.A.2.m.
- 4) All proposed lighting for any proposed fitness or exercise studio and health club shall not impact any adjacent residentially zoned site or sites. All site lighting is directed downward or away from residentially zoned properties. All proposed lighting shall comply with the International Dark Sky (Association) outdoor/residential standards or guidelines. The Director may require that shields be installed on site lighting directing the lighting away from any residentially zoned property. These lighting provisions shall apply to fitness or exercise studios and health clubs adjacent to undeveloped and developed residentially zoned properties.

- 5) A proposed fitness or exercise studio and health club will not be detrimental to the health, safety and welfare of adjacent properties that may be affected by such establishments.
- 6) Any violation of the standards mentioned in 1 through 5 above, shall be brought to the attention of the Planning Director through written correspondence detailing the nature of the violation or violations. Corrective measures may be undertaken and prescribed by the Planning Director or the Planning Director may refer the matter to the Planning Commission for their consideration, amended conditions of approval or revocation.

3. Conditional uses:

- a. Churches, non-profit lodges clubs, fraternal organizations;
- b. Commercial parking lots;
- c. Multi-family residential in accordance with the density standards contained in the Multi-family Residential Land use.

4. Prohibited uses:

All uses not listed as permitted or conditional shall be prohibited, except similar uses in compliance with Section 3.16.

3. Minimum lot size/density:

Minimum lot size shall be nine thousand (9,000) sq. ft. exclusive of road easements. Density shall be one single family residence per 9,000 sq. ft. except that higher densities shall be allowed subject to an approved use permit.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to the Mariposa Town Planning Area Specific Plan Section 3.12 will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

3.12 Commercial Land Use Districts

A. Professional Office District:

Purpose

The PO classification is designed to provide areas for the development of business and professional office uses with related business and institutional uses to the exclusion of retail business in general. It is intended that PO areas, and the uses therein, will be compatible and convenient to residential areas and the general business area.

1. Permitted uses:

- a. Law offices, title company offices, accountants offices, insurance offices, and doctors and dentists offices.
- b. Government offices.
- c. Retail uses appurtenant to permitted uses.
- d. One single family residential unit per parcel.
- e. Fitness or exercise studios and health clubs and similar uses when the proposed use does not directly abut a residentially zoned property or parcel.
- f. Other uses determined to be similar to and compatible with the above.

2. Administrative Use Permit uses:

- a. Fitness or exercise studios and health clubs if the proposed use directly abuts a residentially zoned property or parcel. The Planning Director, at his or her discretion, may determine that an administrative use permit be required in circumstances where a proposed fitness or exercise studio and health club is directly across the street from a residentially zoned property creating impacts to residential zoned sites. In issuing an administrative use permit, the Planning Director shall make written findings that:
 - 1) The hours of operation are no earlier than 7:00 a.m. and no later than 9:00 p.m. Monday through Friday and no earlier than 8:00 a.m. and no later than 7:00 p.m. Saturday, Sunday and holidays.
 - 2) All activities associated with the proposed fitness or exercise studio or health club shall be conducted indoors and at no time shall a fitness or exercise studio and health club conduct activities outside.
 - 3) Parking for the site shall meet the zoning requirement of one (1) parking space for each three

hundred (300) sq. ft. of gross floor area pursuant to Section 17.336.030.A.2.m.

- 4) All proposed lighting for any proposed fitness or exercise studio and health club shall not impact any adjacent residentially zoned site or sites. All site lighting is directed downward or away from residentially zoned properties. All proposed lighting shall comply with the International Dark Sky (Association) outdoor/residential standards or guidelines. The Director may require that shields be installed on site lighting directing the lighting away from any residentially zoned property. These lighting provisions shall apply to fitness or exercise studios and health clubs adjacent to undeveloped and developed residentially zoned properties.
- 5) A proposed fitness or exercise studio and health club will not be detrimental to the health, safety and welfare of adjacent properties that may be affected by such establishments.
- 6) Any violation of the standards mentioned in 1 through 5 above, shall be brought to the attention of the Planning Director through written correspondence detailing the nature of the violation or violations. Corrective measures may be undertaken and prescribed by the Planning Director or the Planning Director may refer the matter to the Planning Commission for their consideration, amended conditions of approval or revocation. Any decision by the Planning Commission is appealable to the Board of Supervisors.

3. Conditional uses:

- a. Churches, non-profit lodges clubs, fraternal organizations.
- b. Commercial parking lots.
- c. Multi-family residential in accordance with the density standards contained in the Multi-family Residential Land use.
- d. Commercial Art Studios, including sales of artwork fabricated or produced on-site and including visually screened and enclosed exterior storage of materials for artwork.

4. Prohibited uses:

All uses not listed as permitted or conditional shall be prohibited, except similar uses in compliance with Section 3.16.

5. Minimum lot size/density:

Minimum lot size shall be nine thousand 9,000 sq. ft. exclusive of road easements. Density shall be one single family residence per 9,000 sq. ft. except that higher densities shall be allowed subject to an approved use permit.

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.

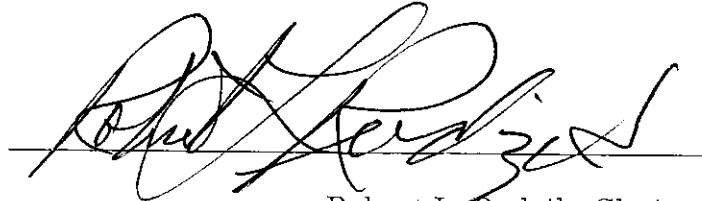
ON MOTION BY Commissioner Ross, seconded by Commissioner Tucker, this resolution duly passed and adopted this 5th day of August, 2011 by the following vote:

AYES: ROSS, TUCKER, RUDZIK, FRANCISCO, MARSDEN

NOES: NONE

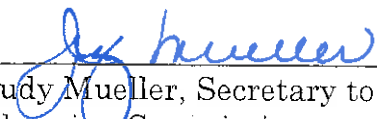
ABSENT: NONE

ABSTAIN: NONE



Robert L. Rudzik, Chairman
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Planning Commission