

DEPARTMENT: Planning

By: Jean Clark, Assistant Planner

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes \_\_\_ No X)

Staff recommends that the Board (1) waive the second reading and (2) adopt the ordinance amending Title 17 of County Code in accordance with Mariposa TPA Specific Plan/Zoning Amendment (SP/ZA) No. 95-1.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On August 13, 1996 the Board waived the first reading and adopted Resolution 96-357 to approve the Mariposa TPA amendments, numbers 1 - 4, with minor changes to text language. Amendment #5 (Permit Streamlining) was continued with direction given to renote this item.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: Modify language of amendment text. This may require another first reading and resolution depending on the significance of the modifications.

NEGATIVE ACTION: Do not waive second reading and adopt ordinance. This would result in no changes to the Zoning Ordinance. The Mariposa TPA Specific Plan and Zoning Ordinance would not be consistent (as the Specific Plan was already amended by resolution).

**COSTS:** (X) Not Applicable

A. Budgeted current FY \$ \_\_\_\_\_

B. Total anticipated Costs \$ \_\_\_\_\_

C. Required additional funding \$ \_\_\_\_\_

D. Internal transfers \$ \_\_\_\_\_

**COSTS:** ( ) 4/5th Vote Required

A. Unanticipated revenues \$ \_\_\_\_\_

B. Reserve for contingencies \$ \_\_\_\_\_

C. Source description: \_\_\_\_\_

Balance in Reserve Contingencies, If Approved: \_\_\_\_\_

\$ \_\_\_\_\_

**SPECIAL INSTRUCTIONS:**  
List the attachments and number the pages consecutively:

\_\_\_\_\_

1. Draft Ordinance \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

CLERK'S USE ONLY

Res. No.: \_\_\_\_\_ Ord. No.: 904

Vote - Ayes: 3 Noes: \_\_\_\_\_

Absent: Penton 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: mc / byrmd

**MARIPOSA COUNTY ORDINANCE NO. 904**

**AN ORDINANCE AMENDING SUB-TITLE 17.300 OF TITLE 17  
ENTITLED "MARIPOSA TOWN PLANNING AREA AND ZONING REGULATIONS  
AND DISTRICTS" OF THE MARIPOSA COUNTY CODE**

The Board of Supervisors of the County of Mariposa, a political subdivision organized and existing under the laws of the State of California, hereby ordains:

**WHEREAS**, the Mariposa County Board of Supervisors adopted Resolution No. 95-520 thereby initiating the public review and hearing process to amend the Mariposa County Zoning Ordinance; and

**WHEREAS**, the Mariposa County Planning Commission and Board of Supervisors have held duly noticed public hearings on the amendment in accordance with State law and County Code; and

**WHEREAS**, the Board of Supervisors finds the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15305 and 15308 of the CEQA Guidelines; and

**WHEREAS**, the Board of Supervisors finds such amendment is consistent with the guiding policies, goals, and standards of the Mariposa County General Plan; and

**WHEREAS**, the Board of Supervisors finds such amendment is not inconsistent with any of the policies and objectives of the Mariposa Town Planning Area Specific Plan.

**NOW, THEREFORE**, the Board of Supervisors does hereby ordain as follows:

**SECTION 1:** Sub-Title 17.300 of Title 17 entitled "Mariposa Town Planning Area and Zoning Regulations and Districts" of the Mariposa County Code is hereby

amended in accordance with Exhibit "A" of this Ordinance, attached hereto and incorporated herein by reference.

**SECTION 2:** This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

**PASSED AND ADOPTED** by the Mariposa County Board of Supervisors on this 24th day of September, 1996 by the following vote:

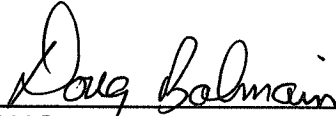
AYES: Reilly, Balmain, Stewart

NOES: None

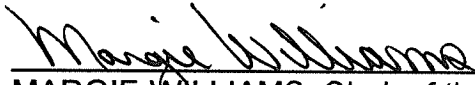
ABSTAINED: None

EXCUSED: Parker

NOT VOTING: Pickard

  
\_\_\_\_\_  
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"

Section 17.332.020, title amended as follows:

Development standards and plan review requirements for HDRO and designated Historic Sites and Structures within the Mariposa Town Planning Area.

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Section 17.332.020, amended as follows:

The development standards, HDRO plan review requirements, HDRO plan processing procedures and demolition permit review standards for the Mariposa TPA HDRO Zone and the designated Historic Sites and Structures lying outside the HDRO Zone as shown in Appendix C of the Mariposa Town Planning Specific Plan shall be as specified in Chapter 17.67 of this Title.

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Section 17.67.020, title amended as follows:

Demolition within an HDRO district and designated Historic Sites and Structures in the Mariposa Town Planning Area.

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Section 17.67.020.A, amended as follows:

A. Demolition permit required.

Except as provided in this section no building or structure identified by the County as historically significant as shown in Appendix C of the Mariposa Town Planning Area Specific Plan, or within a designated historic design review overlay zone (HDRO), shall be demolished without first obtaining approval from the planning director.

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Section 17.336.030, amended as follows:

17.336.030 Parking standards.

The following parking standards shall apply to all new development and changes of occupancy which increase the required number of parking spaces. The purpose of these standards is to insure adequate on- or off-site parking so that development does not increase congestion or unsafe maneuvering within public rights-of-way or impact public parking lots financed by existing development. This section shall not apply to those properties within the boundaries of the Mariposa Parking District.

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Section 17.336.030.A.2, amended and added as follows:

2. Commercial uses:
    - a. Professional office - one (1) space for each three hundred fifty (350) sq.ft. of gross floor area, except floor area used exclusively for storage;
    - b. Medical offices - one (1) space for each two hundred (200) sq. ft. of gross floor area, except floor area used exclusively for storage;
    - c. Grocery stores, drug stores and similar intensive retail establishments - one (1) space for each three hundred (300) sq. ft. of gross floor area, except for floor area used exclusively for storage and not accessible to the public;
    - d. Restaurants - one (1) space for each one hundred fifty (150) sq. ft. of gross floor area or one (1) for each three (3) persons occupancy, whichever is greater;
    - e. Fast food restaurants, drinking establishments - one (1) space for each one hundred (100) sq. ft. of gross floor area;
    - f. Furniture, appliance, carpet and similar low intensity retail sales - one (1) space for each one thousand (1000) sq. ft. of gross floor area;
    - g. General retail except as otherwise specified herein - one (1) space for each five hundred (500) sq. ft. of gross floor area;
    - h. Exterior retail sales such as auto dealer shops - one (1) space for each one thousand (1000) sq. ft. of sales and display area;
    - i. Fuel service stations - three (3) spaces plus two (2) additional spaces for each service bay;
    - j. Auto repair - one (1) space for each eight hundred (800) sq. ft. of gross floor area plus two (2) additional spaces for each service bay;
    - k. Hotels/motels - one (1) space for each unit, plus two (2) additional spaces;
    - l. Bowling alleys - two (2) spaces for each lane plus one (1) space per each employee on the maximum shift;
    - m. Health clubs - one (1) space for each three hundred (300) sq. ft. of gross floor area;
    - n. Theaters - one (1) space for each four (4) fixed seats or one (1) space for each fifty (50) sq. ft. of gross floor area if seats are not fixed;
    - o. Barber/beauty shops - one (1) space per employee on maximum shift plus 1.5 spaces for each barber chair and/or beautician station;
    - p. Dry cleaning facilities - one (1) space for each two hundred (200) sq. ft. of gross floor area used by the public;
    - q. Laundromats - one (1) space for each two hundred fifty (250) sq. ft. of gross floor area;
    - r. Banks and savings and loans - one (1) space for each three hundred (300) sq. ft. of gross floor area plus two (2) additional spaces per automated teller unit if there are outside automated teller machines.
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Section 17.336.030.A.3, amended as follows:

3. Industrial uses
    - a. Mini-storage/outside storage - three (3) customer spaces plus one (1) space per employee on maximum shift;
    - b. Manufacturing, processing, fabrication and warehousing uses - one (1) space for each one thousand (1000) sq. ft. of gross floor area within a building plus one (1) space for each two thousand (2000) sq. ft. of exterior active use area plus one (1) space for each five thousand (5000) sq. ft. of exterior storage area;
    - c. Research and Development Facilities - one (1) space for every employee on the maximum shift plus one (1) space for each company vehicle.
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Section 17.336.030.A.4, amended as follows:

4. Institutional uses
    - b. Libraries, galleries and museums - one (1) space for each three hundred fifty (350) sq. ft. of gross floor area;
    - c. Day care and pre-school - one (1) parking space plus one (1) loading/unloading space for each five (5) children;
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Section 17.336.030.B, amended as follows:

- B. General Provisions:

Accessible on- or off-street parking areas shall be provided and maintained as set forth in this section. Parking areas shall provide parking and maneuvering room for motor vehicles and for pedestrian safety based on the anticipated occupancy of the related building, structure or exterior use. Where there is a combination of principal uses in any one facility, the sum of the parking requirements of these uses shall be provided unless otherwise addressed by these standards. If the calculation of parking requirements results in the requirement for a fraction of a parking space, such parking space need not be provided unless the fraction exceeds fifty percent. This section shall not be construed to prohibit the installation and maintenance of more parking spaces than the minimum required.
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Section 17.336.030.B.1, amended as follows:

1. Parking review: Plans submitted for a building permit shall include the design of the required parking area drawn to scale. Such plans shall include all parking spaces and maneuvering areas, curb cuts, landscaping and other improvements. The building permit shall not be issued until such parking plans have been approved by the planning department and no final inspection

shall be approved until the parking spaces and required landscaping are installed.

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Section 17.336.030.B.3, amended and added as follows:

3. Parking reductions:
  - a. Parking reductions or modifications to parking standards may be granted by the planning commission when considered through the variance process or in conjunction with a use permit or other discretionary application. Such reductions or modifications shall only be granted when findings are made that there are unique circumstances, that such reduction does not compromise the intent of providing adequate parking, and that there will be no adverse impact on access or circulation. The project proponent shall submit evidence documenting the existence of these circumstances.
  - b. In addition to this process, the following variation to the parking standards may also be granted:
    - i. Shared parking - At the discretion of the planning director or the planning commission, whichever has jurisdiction, where two (2) or more commercial uses share parking facilities, the minimum space requirement may be reduced by up to fifty percent (50%) of the parking requirement for the use requiring the least parking, subject to a minimum of ten (10) parking spaces being provided. In order to allow such reduction, the approval authority shall find that such reduction does not compromise the intent of providing adequate parking considering hours of operation or other factors and that there will be no adverse impact on access or circulation. Such a reduction shall be subject to the recordation of enforceable agreements prior to issuance of a building permit, which ensures that appropriate programs are implemented for the life of the use and shall be required as a condition of approval of the parking reduction;
    - ii. Bus spaces - For parking lots containing fifteen (15) or more parking spaces and serving tourist oriented uses as determined by the planning director, one bus space shall be allowed to take the place of six (6) conventional parking spaces. One bus space shall be allowed in this manner for each fifteen (15) conventional parking spaces within a parking lot. A bus parking space shall have a minimum dimension of twelve (12) feet by fifty (50) feet and shall include adequate maneuvering room for safe ingress and egress;
    - iii. On-street spaces - When required parking cannot be located on site, on-street parking spaces may be developed by the applicant in lieu of the on-site parking as approved by the

planning director and public works director in accordance with the following:

- (a) A minimum of two (2) on-street spaces shall be provided.
- (b) Two (2) on-street spaces shall be required for each required on-site space.
- (c) Spaces shall be constructed in accordance with applicable provisions in the Road Improvement and Circulation Policy.
- (d) An encroachment permit shall be required for development of spaces within a county maintained road right-of-way.
- (e) Existing on-street spaces may be counted if approved by the Planning Commission following a noticed hearing. In order to allow such reduction, the approval authority shall find that such reduction does not compromise the intent of providing adequate street parking to the general public considering hours of operation or other factors.
- (f) The spaces shall be developed within the project site frontage or immediately adjacent to the project site.
- (g) There shall be safe, convenient pedestrian access from the parking spaces to the subject use.
- (h) Signs which reserve the on-street parking spaces for the applicant's clientele or others shall be prohibited.

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Section 17.336.030.B.5, amended as follows:

- 5. Tandem parking: Except where specifically permitted by this section, parking spaces shall not be in tandem. All parking spaces shall be free of obstructions, and parking should be accomplished in a continuous forward movement. Tandem parking shall mean one (1) parking space located behind another parking space which has no direct access to the driveway or street.

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Section 17.336.030.B.6, amended and added as follows:

- 6. Provisions for residential uses:
  - a. Parking locations: Off-street parking spaces for single-family detached dwellings shall be located on the same lot or parcel on which the dwelling is located. Off-street parking spaces for all other dwellings shall be located on the same development site and on the same lot or parcel or not more than two hundred (200) feet from the lot or parcel on which the dwelling is located. There shall be safe, convenient pedestrian access from the parking spaces to the subject use.



- d. Where more than one (1) parking space is provided for a residential unit, tandem parking shall be permitted provided at least one (1) space per dwelling is individually accessible.
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Section 17.336.030.B.7, amended and added as follows:

- 7. Provisions for commercial and industrial uses:
    - a. Parking locations:
      - 1.) In commercial zones, off-street parking shall be located on the same lot as, or on a lot contiguous to, the building, structure, or use to be served except for uses within the Mariposa parking district;
      - 2.) Parcels off-site from the project site may also be approved by the planning director as satisfying a portion of required parking if the director finds that the parking spaces are within a safe, convenient walking distance of two hundred (200) feet from the project site, that the uses on the project site are conducive to remote parking, that there will be no adverse impact on access and circulation, and that said parking is not being used as required parking for another use. A recordable, enforceable agreement shall be executed prior to issuance of a building permit or use of the project site ensuring the continued availability of this parking or its equivalent. Distances in excess of 200 feet may be approved by the Director if there are special circumstances that shall meet the above criteria;
    - c. Uses not specified: Commercial parking requirements for uses not specified in this part shall be based upon a standard of one (1) space per three hundred (300) square feet of gross floor area, unless the planning director or planning commission approves a different parking requirement, based on the most comparable uses specified in this part.
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Section 17.336.030.C.2, amended as follows:

- 2. Handicapped requirements: Off-street parking spaces shall be provided for handicapped persons. The number of handicapped spaces and the design shall be as specified by Title 24 of the California Code of Regulations. Generally, all handicapped parking spaces shall be located in proximity to curb ramps or other pedestrian walks providing the most direct access to the primary entrance of the building served by the parking lot and where the handicapped person is not required to maneuver behind any parked vehicles;
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Section 17.336.030.C.3, amended as follows:

3. Driveway access to parking spaces for a single family dwelling unit shall not be less than nine feet (9') in width. Driveway access used to serve more than two (2) dwelling units shall not be less than twelve feet (12') in width. The maximum driveway grade for a single-family residence and for commercial development shall be sixteen percent (16%). Driveway access to all uses other than residential shall have a width of not less than fourteen feet (14') if one-way, or not less than twenty-two feet (22') for a two-way, combined entrance and exit.
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Section 17.336.030.C.4, amended as follows:

4. Parking lot and access surface:
    - a. Except as provided for by subsection b, all areas used for parking and access to such parking areas shall be completely paved with asphalt or concrete surfacing. When findings are made that the use is low intensity and that alternative surfacing materials are adequate for the use such alternative materials may be approved by the planning director. Further, all parking areas and accesses shall be provided with adequate drainage as approved by the planning director. Any portion of the parking area not paved shall be landscaped;
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Section 17.336.030.C.6, amended as follows:

6. Wheel stop standards: Wheel stops shall be installed two feet (2') from the edges of the required sidewalks, planters, and landscaped areas for all parking spaces in order to protect the required sidewalks, planters and landscaped areas from vehicular overhang and to protect any structure from vehicular damage. A planter curb may function as the wheel stop but the planter shall be a minimum of six feet (6') in width. All wheel stops shall be maintained in good condition;
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Section 17.336.030.C.7, amended as follows:

7. Off-street loading and unloading spaces: Off-street loading and unloading spaces shall be provided as determined necessary by the Planning Director during project Design Review.
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Section 17.336.060.D.11, added as follows:

11. Window signs which comply with specific provisions as described herein shall be permitted on all parcels within the Mariposa Town Planning Area notwithstanding anything to the contrary contained in any regulatory language contained in this Specific Plan and shall not be included in calculating the overall sign area permitted by the appropriate design review district. For the purposes of this section, a window sign shall be defined as a sign that is applied or attached to the exterior or interior of a window or located within a building, and is readable and conspicuously visible from the exterior of the structure. Signs hung in, or visible through, open doorways shall be considered window signs. Sign copy for window signs shall not exceed twenty-five percent (25%) of the total building face window area including windows in doors, or shall not obscure vision through the window for more than twenty-five percent (25%) of the total building face window area, as determined by the planning director, unless such signs are not conspicuously visible from the public right-of-way. In addition, all window signs shall be confined within a generally rectangular area not to exceed fifty percent (50%) of the total window area. Graphic elements should comply with the standards of the appropriate design review district. Sign copy shall be measured by the smallest rectangle within which the copy can be enclosed. Internally illuminated signs including neon signs and signs with predominately florescent colors shall not exceed one-half (1/2) of the window sign copy allowed by this section.
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Section 17.336.060.D.12, added as follows:

12. Notwithstanding any other provision of this or other County Codes, a legal nonconforming sign may be relocated one time provided that:
  - a. There are no changes to the sign face or copy other than those minimum changes that may be necessary regarding the new address.
  - b. There is no increase to the sign size.
  - c. The structure housing the original sign may not be relocated.
  - d. The structure housing or supporting the relocated sign shall comply with all other relevant provisions of County Code.
  - e. The amortization period established in Section 17.108.190 of County Code shall be reduced to fifty percent (50%) of the number of years remaining in the amortization period.
  - f. Any sign replacing the original sign at the original site shall not increase the degree of nonconformity of the original sign and shall be subject to all provisions of County Code, including the amortization date. Replacement of a nonconforming sign at the original site shall be prohibited unless the structure housing the original sign was designed and used for multiple signs; single sign structures housing the original sign shall be removed upon relocation of the nonconforming sign.

- g. Any sign replacing the original sign at the original site shall not be eligible for the one time relocation allowance under this section.
  - h. The original sign location and the relocated site must both be within the Mariposa Town Planning Area.
  - i. Illegal signs, as defined in Section 17.148.010 of County Code, shall not be eligible for the one-time relocation allowance.
  - j. The square footage of the relocated sign shall count toward the total sign allowance at the new site.
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Section 17.336.070.A.4, amended as follows:

- 4. Signs shall be constructed of natural materials consistent with No. 2 above. The maximum sign area for any business shall be thirty-two (32) sq. ft.. Graphic elements on the signs shall be designed utilizing the lettering types and techniques of the historic period. Lighting equipment for signs shall not be visible from public view. Sign standards shall be constructed of materials consistent with the historic architecture. Internally lit signs shall be prohibited within the district except for those provided for in Section 17.336.060.D.11;
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