

Chapter 17.24**MOUNTAIN TRANSITION ZONE (MTZ)****Sections:**

17.24.010 Mountain Transition Zone (MTZ).

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The Mountain Transition Zone (MTZ) as designated on the Mariposa county land use map, is applied to lands with limited development potential.

A. **Development standards for MTZ.** Development standards for the MTZ shall be as follows:

1. **Uses:**

a. **Permitted uses:** Residential, and those applicable uses listed under chapter 17.108. (Ord. 704 Sec.1, 1988).

b. **Administrative use permit uses:** Small scale mining in compliance with applicable standards and regulations pursuant to section 17.108.110. (Ord. 1114 Sec.II, 2015).

c. **Conditional uses:** Churches, subject to parking standards as required in section 17.108.120(F) of this title; private schools, except as permitted by section 17.108.060(I); and mining, which may include mineral or construction material processing, in conformance with the State Surface Mining and Reclamation Act and county code. (Ord. 1114 Sec.II, 2015; Ord. 816 Sec.VI, 1991).

d. **Prohibited uses:** All uses listed in section 17.108.200 of this title and other uses not listed above are prohibited, except similar uses in compliance with Section 17.108.120 and 17.108.030 of this title. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

2. **Minimum parcel or lot size:** No parcel of real property in the MTZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action, or other conveyance where any one (1) of the parcels so created will be less than twenty (20) acres or one-half of one legal quarter-quarter section in gross area.

3. **Density:** One (1) single family residence per twenty (20) acres or one-half of a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).

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Chapter 17.108

SUPPLEMENTARY STANDARDS

(Only Section 17.108.180 of this Chapter is proposed for amendment. The Board of Supervisors just approved an amendment to this section of code to increase the number of bedrooms allowed in a Bed & Breakfast to 5, pursuant to the General Plan. This amendment will be effective 30 days from August 25, 2009).

17.108.180 Bed and breakfasts, agricultural homestays, 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 a bed and breakfast, or residential transient rental use for properties in the AE zone.~~ *An agricultural homestay is a permitted use in the AE zone, subject to compliance with development standards established by the zone.* Bed and breakfast establishments are defined as a single family structure which is occupied by a non-transient *in which there is a full time, permanent resident family, and a limited number of guest bedrooms. Breakfast is prepared each day in a kitchen appropriately permitted by the Health Department.* 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 purpose of this chapter. *Agricultural homestays are defined in Chapter 17.148 and are located in the residence of the property owner or accessory dwelling or other existing dwelling.* Bed and breakfasts, *agricultural homestays,* and residential transient rentals shall meet the following requirements:

A. No more than three (3) bedrooms are available for occupancy by transients *for residential transient rentals. No more than five (5) bedrooms are available for occupancy by transients for* *bed and breakfast establishments and agricultural homestays.*

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 ~~from an approved community system~~ *State of California permitted public water supply,* or from an individual well *meeting current construction standards and* having quality and quantity satisfying current code requirements *including but not limited to those for food facilities.*

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.

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D. A sign of not more than four (4) 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, *including the name and phone number of the property owner or rental manager.*

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.

8. *Proper trash disposal, and bear preventive/control measures if applicable.*

~~F. Non-owner-occupied Transient Rentals must place a minimum 5 x 7 inch weather-proof NOTICE that is easily and conspicuously visible at or near the main entrance to the Transient Rental which contains the name and phone number of the property owner or rental manager. Property owner or rental manager must be available by phone in case of an emergency.~~

~~G.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.

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

1. Bed and breakfast *and agricultural homestay* 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.

~~I.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~~ *division*, health department, and a fire protection agency for review.

~~J.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.~~

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