

MARIPOSA COUNTY ORDINANCE NO. 912

**AN ORDINANCE AMENDING TITLE 17
ENTITLED "ZONING ORDINANCE"
OF THE MARIPOSA COUNTY CODE**

WHEREAS, the Board of Supervisors initiated a comprehensive Permit Streamlining Program, including the public review and hearing process to amend the Mariposa County Code; and

WHEREAS, these include amendments to Title 17 of County Code, entitled "Zoning Ordinance"; and

WHEREAS, the Planning Commission and Board of Supervisors have held duly noticed public hearings on the amendments to Title 17 in accordance with State Law and County Code, and have considered all input, written and verbal; and

WHEREAS, the Planning Commission and Board of Supervisors made many modifications to the amendments in response to concerns expressed through the public process; and

WHEREAS, the amendments are not intended to change the public's referendum rights with respect to the projects which will be acted upon in accordance with this ordinance;

NOW THEREFORE, The Board of Supervisors of Mariposa County, a political subdivision of the State of California, does ordain as follows:

SECTION I: The Board of Supervisors makes the following findings:

1. These amendments to Title 17 are exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Sections 15061, 15305 and 15308 of the CEQA Guidelines. A portion of the amendments to Title 17 are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. There is not possibility that portions of the amendments to Title 17 may have a significant effect on the environment. Remaining portions of the program include minor alterations in land use limitations and represent an action taken by a regulatory agency to maintain, restore, and enhance the environment.
2. The amendments are in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace and welfare. The amendments clarify the existing county code and eliminate

conflicting and duplicative information. The amendments do not make any changes in current practices that would result in any impact on the environment.

3. The amendments add regulations to maintain, restore, or enhance the environment through additional required findings and notice. These additional findings and notice increases guarantees that there will be no adverse impacts on the environment.
4. The amendments change review and approval authority for several development applications, but still retain requirements for notice, findings and appeals, and therefore maintain discretionary procedures for all affected applications. Additional findings and notice are also provided to increase the opportunity for, and the level of public participation in these applications.
5. The amendments allow additional time to complete public and private improvements on approved applications but do not allow any additional impacts not previously considered.
6. The amendments standardize notice, hearing and appeal time frames but do not result in any impact to the environment.
7. The amendments do not change any application procedure from discretionary to ministerial.
8. The amendments balance an expedited review process with expanded public review opportunities.
9. The amendments promote fairness in implementation by clarifying conflicting ordinance language.
10. The amendments are 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. The amendments clarify and consolidate findings, add findings and notice, and rectify contradictory language within code to aid in the day-to-day operations and processing of applications.
11. The amendments conform with the requirements of State law and county policy and are consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan. One purpose of the amendments is to provide consistency with State law and County ordinances and policies. The amendments also add findings and notice for development applications. State mandated findings and procedures are incorporated into these amendments for consistency purposes. This action is supported by the

General Plan Governing Policy Section 2.202. This section establishes policy regarding the administration of the Mariposa County General Plan as follows: "To provide a practical and legally adequate framework to include... implementation programs and measures which can effectively guide the development and growth of Mariposa, yet reserve adequate flexibility in the day-to-day decision process to be responsive to changing needs and circumstances."

SECTION II: Title 17 of the Mariposa County Code are hereby amended in accordance with "Exhibit A" (Amendments are noted as follows: Additions with double underline and italics, and deletions with strikethrough).

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

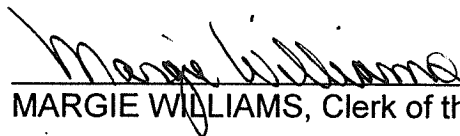
SECTION IV: PASSED AND ADOPTED by the Board of Supervisors of Mariposa County on this 7th day of January, 1997 by the following vote:

AYES: Reilly, Balmain, Stewart, and Pickard
NOES: None
ABSTAINED: None
EXCUSED: Parker



ROBERT C. STEWART, 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

Title 17

MARIPOSA COUNTY ZONING ORDINANCE

Chapters:

- 17.04 PURPOSE, ADOPTION AND COMPLIANCE WITH ORDINANCE
- 17.08 GENERAL PROVISIONS
- 17.12 TOWN PLANNING AREA (TPA)
- 17.16 RURAL RESIDENTIAL ZONE (RRZ)
- 17.20 MOUNTAIN HOME ZONE (MHZ)
- 17.24 MOUNTAIN TRANSITION ZONE (MTZ)
- 17.28 MOUNTAIN GENERAL ZONE (MGZ)
- 17.32 GENERAL FOREST ZONE (GFZ)
- 17.36 MOUNTAIN PRESERVE ZONE (MPZ)
- 17.40 AGRICULTURE EXCLUSIVE ZONE (AEZ)
- 17.44 TIMBER EXCLUSIVE ZONE (TEZ)
- 17.48 INDUSTRIAL MINING ZONE (IMZ)
- 17.52 PUBLIC DOMAIN ZONE (PDZ)
- 17.56 PUBLIC SITES ZONES (PSZ)
- 17.60 OPEN WATERSHED OVERLAY (OWO)
- 17.64 AIRPORT OVERLAY (APO)
- 17.65 SCENIC HIGHWAY OVERLAY (SHO)
- 17.66 DESIGN REVIEW OVERLAY (DRO)
- 17.67 HISTORIC DESIGN REVIEW OVERLAY (HDRO)
- 17.68 RESIDENTIAL EXCLUSIVE OVERLAY ONE (REO-1)
- 17.72 RESIDENTIAL EXCLUSIVE OVERLAY TWO (REO-2)
- 17.76 NEIGHBORHOOD COMMERCIAL ZONE ONE
(INDOOR) CN-1
- 17.80 NEIGHBORHOOD COMMERCIAL ZONE TWO
(INDOOR AND OUTDOOR) CN-2
- 17.84 COMMERCIAL-INDUSTRIAL-MANUFACTURING PLAN
FOR CG-1, CG-2, CR, M-1, AND M-2
- 17.88 GENERAL COMMERCIAL ZONE-1, (CG-1)
- 17.92 GENERAL COMMERCIAL ZONE-2, (CG-2)
- 17.96 RESORT COMMERCIAL ZONE (CR)
- 17.100 LIGHT MANUFACTURING AND INDUSTRIAL ZONE-1, (M-1)
- 17.104 HEAVY MANUFACTURING AND INDUSTRIAL ZONE-2, (M-2)
- 17.108 SUPPLEMENTARY STANDARDS
- 17.112 CONDITIONAL USE PERMITS
- 17.116 USE PERMITS DETERMINATIONS
- 17.120 VARIANCES
- 17.124 DEVELOPMENT AGREEMENTS
- 17.128 AMENDMENTS
- 17.132 PUBLIC HEARINGS
- 17.136 APPEALS
- 17.140 REVOCATIONS
- 17.144 ENFORCEMENT
- 17.148 DEFINITIONS

Sub-Title:

- 17.300 MARIPOSA TOWN PLANNING AREA SPECIFIC PLAN
ZONING REGULATIONS AND DISTRICTS

Chapter 17.04

PURPOSE, ADOPTION, AND COMPLIANCE WITH ORDINANCE

Sections:

- 17.04.010 Purpose of zoning ordinance.
- 17.04.020 Adoption of zoning ordinance.
- 17.04.030 Establishment of zoning districts.
- 17.04.035 Zoning maps.
- 17.04.040 Interpretation of land use zone boundaries.
- 17.04.050 Compliance with ordinance.
- 17.04.060 Severability.

17.04.010 Purpose of zoning ordinance.

The purpose of this zoning ordinance is to:

- A. Implement the county-wide general plan and all specific plans;
- B. Establish principal zones within the boundaries of Mariposa County;
- C. Establish the basic regulations governing the use of land, buildings or structure;
- D. Establish parcel or lot size;
- E. Establish improvement standards;
- F. Provide a guide for the growth and development of the county of Mariposa in accordance with the county-wide general plan and all specific plans;
- G. Secure for the citizens of Mariposa County, the advantages resulting from the orderly planned use of its land resources; to prevent the overburdening of land, and to avoid excessive concentration of population;
- H. Protect and enhance the quality of life in Mariposa County;
- I. Promote the stability of existing land uses and to protect them from incompatible and harmful intrusions. (Ord. 704 Sec.1, 1988).

17.04.020 Adoption of zoning ordinance.

The Mariposa County zoning ordinance as set forth in this Title is hereby adopted pursuant to Section 11 of Article XI of the Constitution of the State of California and in compliance with Title 7, Division 1, Chapter 4, commencing with Section 65800 of the Government Code and is supplemental to the provisions thereof. (Ord. 704 Sec.1, 1988).

17.04.030 Establishment of zoning districts.

In order to regulate the use of land, buildings, and structures and establish minimum parcel sizes, the following principal zone districts and combining zone districts are established:

- A. **Principal Zone Districts**
 - 1. **Special Planning Districts**
 - TPA Town Planning Area
 - 2. **Residential Districts**

- RR Rural Residential
- MH Mountain Home
- MT Mountain Transition
- MG Mountain General
- 3. **Resource Districts**
 - GF General Forest
 - MP Mountain Preserve
 - AE Agricultural Exclusive
 - IM Industrial Mining
 - PD Public Domain
 - PS Public Sites
- 4. **Commercial Districts**
 - CN-1 Neighborhood Commercial-1 (Indoor)
 - CN-2 Neighborhood Commercial-2 (Indoor and Outdoor)
 - CG-1 General Commercial-1
 - CG-2 General Commercial-2
 - CR Resort Commercial
- 5. **Manufacturing and Industrial Districts**
 - M-1 Light Manufacturing and Industrial-1
 - M-2 Heavy Manufacturing and Industrial-2

B. Combining Zone Districts (Also referred to as Overlay Zone Districts)

- 1. **TE** Timber Exclusive
- 2. **OWO** Open Watershed Overlay
- 3. **APO** Airport Overlay
- 4. **REO-1** Residential Exclusive Overlay-1
- 5. **REO-2** Residential Exclusive Overlay-2
- 6. **DRO** Design Review Overlay
- 7. **HDRO** Historic Design Review Overlay
- 8. **SHO** Scenic Highway Overlay

C. Every lot or parcel of land, or portion thereof, shall be classified in only one (1) of the principal zone districts established by this section. However, in addition to being classified in a principal zone district, a lot or parcel of land, or portion thereof, may be classified in one (1) or more of the combining zone districts. For a lot or parcel of land, or portion thereof, classified in a combining zone district, the specific policies, standards, and regulations of the principal zone district shall be modified in accordance with the specific policies, standards, and regulations of the combining zone district.

D. Zones established by this Title which are not part of the existing Mariposa County General Plan shall require amendments to that Plan in accordance with Chapter 17.128 of this Title in order to implement their provisions. (Ord. 753 Sec.1, 1989).

17.04.035 Zoning maps.

A series of maps, known as the Mariposa County Zoning Maps, shall be established to show the designations and boundaries of each zone district in Mariposa County. A series of maps, known as Town Planning Area Specific Plan Maps, may be utilized to show

certain districts or areas in more detail or in a different arrangement than shown on the Official Zoning Maps. The Specific Plan Maps shall define the land use boundaries established by the Specific Plan. The Official Zoning Maps and Specific Plan Maps and all notations, references, and other information shown thereon are included by reference as part of this Title as though they were all fully described and set forth herein. The Zoning Maps and Specific Plan Maps shall be maintained by the Mariposa County Planning Department and shall be available for public review and purchase. (Ord. 753 Sec.2, 1989).

17.04.040 Interpretation of land use zone boundaries.

Where uncertainty exists as to the boundaries of any zone as adopted and made a part hereof, the planning department director, upon written application or upon its own motion, shall determine the location of such boundaries by reference to the general plan. (Ord. 704 Sec.1, 1988).

17.04.050 Compliance with ordinance.

Except as may otherwise be specifically provided, all land uses shall be in compliance with this Title as follows:

A. No site, building or structure shall be erected, altered, enlarged, used, or be designated to be used for any purpose other than those uses and purposes included in this Title.

B. No deed or conveyance of any portion of a parcel or lot shall be made which reduces the dimensions of the parcel or lot, minimum setbacks, off-street parking, or other minimum requirements applicable to the site and use below the minimum requirements of this Title.

C. Uses listed as permitted within any zone may be established provided all other applicable county code requirements are adhered to.

D. No use listed as prohibited shall be permitted under any circumstances on a subject parcel of land unless said use is legally existing prior to application of use regulations of this Title.

E. General terms:

For the purposes of this Title, and when not inconsistent with the context:

1. Words used herein in the present tense include the future.

2. Words in the singular number include the plural, and words in the plural number include the singular.

3. The word "**occupied**" includes designed or intended to be occupied.

4. The word "**shall**" is mandatory.

5. The word "**used**" includes designed or intended to be put to use.

6. The word "days" shall mean calendar days.

F. Application of terms.

Within this Title specific words, terms and phrases shall have meanings ascribed in this Title. Specific definitions which appear in Chapter 17.64 of this Title shall be limited, with respect to effect, to that Chapter.

G. Interpretation of terms and phrases.

Where ambiguity or conflict appears to exist in the use of certain terms, words or phrases as defined in this Chapter or elsewhere in this Title, the ~~planning commission~~ planning director shall resolve the conflict or ambiguity in accordance with the provisions of this Title. (Ord. 704 Sec.1, 1988).

17.04.060 Severability.

If any section, subsection, sentence, clause or phrase of this Title is, for any reason, held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Title. The board of supervisors of Mariposa County hereby declares that it would have passed this Title and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. (Ord. 704 Sec.1, 1988).

Chapter 17.08

GENERAL PROVISIONS

Sections:

- ~~17.08.010 Consistency with general plan and specific plans.~~
- 17.08.020 Nonconforming uses.
- 17.08.030 Relation to previous regulations.
- 17.08.040 Application.
- 17.08.050 Fees.
- 17.08.060 Completeness of applications.
- 17.08.070 Planning commission.
- 17.08.080 Burden of proof.
- 17.08.090 Site plans required.
- 17.08.100 Approval or disapproval.
- 17.08.110 Resubmittal of application.
- 17.08.120 Interpretation by the planning director.
- 17.08.130 Notice to county assessor and owner.
- 17.08.140 Single family dwelling site plans.
- 17.08.150 Commercial, industrial, or multi-family dwelling site plans.
- 17.08.160 Site plan processing procedures.
- 17.08.170 Permit time limits.
- 17.08.180 Extension of time.
- 17.08.190 Project completion.
- 17.08.200 Applications deemed approved.
- 17.08.210 Concurrent processing.

~~**17.08.010 Consistency with general plan and specific plans.**
Approval of rezoning, design and site plans, development plans, sub division plans, and review of use permits pursuant to this Title shall be based on a finding that said approval is compatible with the: policies, goals, objectives, programs, and standards of the Mariposa County general plan, and with any applicable specific plan adopted by the Mariposa County board of supervisors. Applications for rezoning, design and site development review, use permits or subdivisions shall be denied if found to be inconsistent with the Mariposa County general plan or with the applicable specific plan. (Ord. 704 Sec.1, 1988).~~

17.08.020 Nonconforming uses.

Any use which was legally established in accordance with the then existing policies, provisions, regulations or zoning code, but which does not conform to the provisions of this Title, shall be deemed a nonconforming use.

A. A nonconforming use established prior to the effective date of this Title, or prior to any subsequent amendment which creates such nonconformity, may be continued, expanded and maintained, including necessary repairs, consistent with the provisions of this Section. Continuation of a nonconforming use may include a change of ownership, tenancy or management where the

previous line of business or other function is substantially unchanged.

B. Nonconforming uses may be expanded through a Planning Director approval of a site plan application processed in conformance with Sections 17.08.140, 17.08.150, and 17.08.160 and the notice requirements of Section 17.132.020 of this Title. However, under no circumstances shall the expansion exceed a fifty percent (50%) increase in square footage. Notwithstanding anything to the contrary contained herein, if a proposed expansion would result in increasing the number of units which are available for occupancy, or increasing the density above the maximum allowed by this Title, the expansion shall be denied. In addition to the factors specified in 17.08.160, an application shall not be approved if a determination is made that the expansion will constitute a public or private nuisance or will be objectionable by reason of noise, odor, smoke, dust, lights, vibrations, traffic, or drainage. Determinations made regarding these applications may be appealed in accordance with Chapter 17.136 of this Title.

C. **Change in use:** A nonconforming use may be changed to another nonconforming use of a similar or less intensive use. Whenever a nonconforming use has been changed to a less intensive use, or to a conforming use, such use shall not thereafter, be changed to a more intensive use.

D. **Discontinuance of uses:** If the use of a building or premises does not conform to the land use regulations of the zone in which it is located, and that use is discontinued for a period of thirty-six (36) consecutive months, any subsequent use of the building or premises shall conform to the regulations of the zone in which it is located.

E. **Restoration:** When a building or other structure, which does not conform to the provisions of this Title is damaged or destroyed, it may be restored or rebuilt to accommodate its original use. Such restoration or rebuilding shall conform to the existing building requirements.

F. **Prior permits:** Nothing contained in this Title shall require any change in plans, construction size, or designated use of any building or structure or part thereof for which a building permit has been issued and is valid and unexpired, before the effective date of this Title. An extension of these permits shall be granted the same as for any permit. (Ord. 704 Sec.1, 1988).

17.08.030 Relation to previous regulations.

No previously issued permits, issued in accordance with county code or ordinance, shall be deemed revoked, null and void, altered or otherwise affected as a result of enactment of this Title. Any structure which was erected, constructed, enlarged, moved, or otherwise legally established in accordance with the provisions of county code or other regulations, but which does not conform to the provisions of this Title shall be deemed a legal structure. Any addition or expansion of a legal structure

shall be required to conform to the provisions of this Title unless otherwise provided herein. (Ord. 704 Sec.1, 1988).

17.08.040 Application.

The regulations established by this Title shall apply to all property within the boundaries or the agreed upon line of assessment of Mariposa County, except such lands as may be specifically excluded from county land use regulations by federal statute or regulations. Nothing contained in this Title shall require any change in the plans, construction or designated use of a building for which a building permit has heretofore been issued and which is valid and unexpired. (Ord. 704 Sec.1, 1988).

17.08.050 Fees.

The Mariposa County board of supervisors shall by resolution, establish a schedule of fees for processing the various applications required by this Title. No application shall be considered complete and ready for processing until the required fees have been paid to the county of Mariposa. (Ord. 704 Sec.1, 1988).

17.08.060 Completeness of applications.

Not later than thirty (30) calendar days after receiving an application, the planning department shall notify the applicant in writing as to the completeness of the application. If the application is not complete, the planning department shall specify those parts of the application which are incomplete, and shall indicate the manner in which the application can be made to meet the requirements of the county. The applicant may be requested to clarify, amplify, correct, or otherwise supplement the information required for the application. After the planning department accepts an application as complete, the application shall not be refused for failure to provide any new, or additional information. (Ord. 704 Sec.1, 1988).

17.08.070 Planning commission.

The Mariposa County planning commission shall review and hear such matters which, as set forth in this Title, require planning commission action.

Any determination or decision of the planning commission which is made in accordance with the provisions of this Title may be appealed to the Mariposa County board of supervisors, in accordance with Chapter 17.136.

The planning commission shall adopt such rules of procedure and forms, etc., as necessary for the implementation of this Title. (Ord. 704 Sec.1, 1988).

17.08.080 Burden of proof.

It shall be the burden of an applicant to provide all necessary information in support of any matter heard and decided by the planning commission or board of supervisors. Failure to provide such necessary information in support of a matter as

described above shall be deemed grounds for denial of application. (Ord. 704 Sec.1, 1988).

17.08.090 Site plans required.

A site plan shall be submitted to and approved by the Mariposa County planning department prior to the issuance of a building permit or change in use which requires a permit. All site plans shall be reviewed by the Mariposa County planning department for conformance with the provisions of this Title prior to the issuance of a building permit. All site plan reviews shall be completed within forty-five (45) days of submittal, provided that the site plan conforms with the provisions of this Title. (Ord. 704 Sec.1, 1988).

17.08.100 Approval or disapproval.

Any application made pursuant to ~~the~~ this Title shall be approved or disapproved within the time limits specified by State law. six (6) months from the date on which the application was accepted as complete. With the mutual consent of both the body considering the application and the applicant, the ~~six (6) month~~ time period may be extended one an additional six (6) months period. (Ord. 704 Sec.1, 1988).

17.08.110 Resubmittal of application.

When any application is denied by the planning commission or board of supervisors it shall not be eligible for resubmittal within six (6) months, unless, in the opinion of the planning director, there is new evidence which was unavailable and beyond control of the applicant, or conditions have changed to the extent that the planning commission agrees that further consideration is warranted. (Ord. 704 Sec.1, 1988).

17.08.120 Interpretation by the planning director.

The planning director shall make interpretations:

A. Where a proposed land use is not specifically listed as permitted or conditional, the planning director shall review the proposed use when requested to do so in writing and, based upon the characteristics of the use, determine if the use proposed is similar to those permitted or conditionally permitted.

B. Prior to making a similar use determination, the Planning Director shall find that such use is similar to the listed use in areas including, but not limited to, intensity, density, traffic, noise and other environmental factors as specified in the County Initial Study checklist items.

BC. Upon a written determination by the planning director that a proposed unlisted use is similar in its nature and intensity to a permitted or conditionally permitted use, the proposed use shall be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what standards affect its establishment. (Ord. 704 Sec.1, 1988).

D. All Planning Director Determinations shall be noticed in a newspaper of general circulation within the county at least once prior to the end of the appeal period, and posted in not

less than 3 public places within 24 hours after determination is made, and shall remain posted during the length of the appeal period. The Planning Department shall maintain a list of sites where notice in neighborhoods or communities will be posted.

17.08.130 Notice to county assessor and owner.

Whenever the zoning of a property is changed from one classification to another, or a zoning variance, or conditional use permit, or use permit determination is granted, the planning department shall notify the county assessor of such action within thirty (30) days. If the zoning classification change, variance, or conditional use permit was requested by other than the owner of record, the planning department shall simultaneously notify the owner of record of such property of the action taken and that notice has been sent to the assessor. (Ord. 704 Sec.1, 1988).

17.08.140 Single family dwelling site plans.

Site plans for single family dwellings shall be submitted to the planning department. These site plans shall contain the following:

- A. Plot plan showing location of dwelling with distance to lot lines, streets, etc.;
- B. Location of other buildings, both existing and proposed;
- C. Location of existing or proposed septic tank and leach fields;
- D. Source of existing or proposed water supply;
- E. Significant terrain features such as streams, water courses or springs;
- F. Proposed on-site parking areas;
- G. Existing or proposed means of access, location, width and type. An approved encroachment permit from the California department of transportation, or the Mariposa County Building Department or the Mariposa County road department if applicable. (Ord. 704 Sec.1, 1988).

17.08.150 Commercial, industrial, or multi-family dwelling site plans:

Site plans for commercial, industrial, or multi-family dwellings shall contain the following:

- A. Parcel or lot dimensions;
- B. All buildings, existing and proposed, their locations, size, height, and proposed use;
- C. Fences, walls, their location, height and materials;
- D. On-site parking; location, number of spaces, size and type of spaces, intended circulation path;
- E. Loading areas, drive-in or drive-through facilities;
- F. Landscaping;
- G. Signs: locations, sizes, heights, and types;
- H. Public rights of ways, easements, recreation/open space areas existing or proposed;
- I. Grading and drainage plans;
- J. Outdoor storage areas, location of outdoor lighting and equipment storage areas if applicable;

K. Existing or proposed water and wastewater treatment facilities;

L. Existing or proposed means of access, location, width and type. An approved encroachment permit from the California department of transportation, or the Mariposa County Building Department or the Mariposa County road department if applicable. (Ord. 704 Sec.1, 1988).

17.08.160 Site plan processing procedures.

This section applies to new construction or modifications of existing structures requiring a building permit:

A. The applicant shall apply to the Mariposa County building division for site plan review and approval. The building official shall forward the application to the planning department.

B. The planning commission or planning department, as appropriate, shall:

1. Approve the application;
2. Disapprove the application if it does not comply with this Title;
3. Conditionally approve the application stating conditions necessary to satisfy requirements of this Title;
4. Return the application to the building official for the necessary action due to inadequate, illegible or otherwise insufficient information as required in Sections 17.08.140 and 17.08.150 above or other required information pursuant to this Title. (Ord. 704 Sec.1, 1988).

17.08.170 Permit time limits.

An approved site plan shall be null and void if the project is not completed within three (3) years from date of approval thereof, unless the approval authority finds and stipulates in its original approval that a different time limit is necessary and not detrimental to the public health, safety and welfare, or, unless an extension of time has been approved. Notwithstanding anything to the contrary contained in this Title, and notwithstanding the length of time for which permits may be issued pursuant to this Title, nothing contained herein shall in any way affect the length of time for which permits are issued pursuant to the Mariposa County Building and Construction Code (Title 15). (Ord 704 Sec.1, 1988).

17.08.180 Extension of time.

~~The planning commission approval authority~~ may approve an one extension of time on a site plan permit approved pursuant to this Title, for up to eighteen (18) additional months after notice is given in the same manner as the original approval, provided that in no event can the total time allowed exceed four and one half (4 1/2) years from original date of approval. ~~(Ord. 704 Sec.1, 1988)~~ if it finds that such extension is necessary and not detrimental to the public health, safety and welfare.

17.08.190 Project completion.

Project completion is the point at which active county review of project progress is terminated. A development project is considered completed when:

A. A certificate of occupancy has been issued by the building official verifying that all structures, site improvements and/or off-site work has been completed; and any bonds or monies guaranteeing site improvements have been released.

B. The planning director verifies that a use or activity not involving a building or grading permit is occurring on the subject site in accordance with all applicable provisions of this Title and any adopted conditions.

C. A final map is recorded, unless conditions of approval of the development plan specify other standards for determining project completion. (Ord. 704 Sec.1, 1988).

17.08.200 Application deemed approved.

Any application approved pursuant to Section 65956 of the Government Code shall be subject to all applicable provisions of this Title, which must be satisfied by the applicant before any construction permit is issued. (Ord. 704 Sec.1, 1988).

17.08.210 Concurrent processing.

When a project requires the approval of multiple applications, the County shall make every effort to process those applications concurrently to assure a timely and equitable permit process. Where such applications are subject to different County approval authorities, the applicant may elect to have all applications heard and decided upon concurrently by the approval authority that has highest jurisdiction among all those reviewing the multiple applications. If the applicant selects this option, the original approval authority would review the application in the same manner it otherwise would, but instead of rendering a decision it would formulate a recommendation to the new approval authority.

Chapter 17.12

TOWN PLANNING AREA (TPA)

Sections:

17.12.010 Town planning area (TPA).

17.12.010 Town planning area (TPA).

Throughout the county of Mariposa, eleven (11) areas have been designated as Town Planning Areas (TPAs). These TPAs may provide basic services, public water and sewer systems; are the centers for industrial and commercial activity, and population concentration. The eleven (11) areas designated as TPAs are as follows:

- | | |
|-------------------|-----------------|
| 1. Bear Valley | 7. Fish Camp |
| 2. Bootjack | 8. Greeley Hill |
| 3. Mt. Bullion | 9. Hornitos |
| 4. Catheys Valley | 10. Mariposa |
| 5. Coulterville | 11. Wawona |
| 6. El Portal | |

A. **Development standards for TPAs.** Development standards for the TPAs shall be established in the specific plans. Within areas designated as a TPA where specific land use policies have been developed, or other areas affected by adopted specific plans, approval of all building permits, site plans, development agreements, conditional use permits and subdivisions shall be consistent with those adopted Specific Plans. This Title shall remain in effect in the TPAs until such time as precise zoning regulations and zones are adopted to implements those plans. In instances where there is a conflict between zoning standards and a specific plan, the specific plan standards shall govern.

B. **Land use policies for TPAs.** Within areas designated as a TPA where specific land use policies have not been developed in accordance with the provisions of Section 17.12.010, ~~17~~ the land use regulations of the Rural Residential Zone (RRZ) contained in Chapter 17.16, shall apply as an interim land use regulations. In addition to the RRZ uses, the uses described as permitted uses in Neighborhood Commercial Zone (INDOOR) CN-1 (CN-1) contained in Chapter 17.76 and in Neighborhood Commercial (INDOOR AND OUTDOOR) CN-2 (CN-2) contained in Chapter 17.80 will be considered subject to the use permit determination process contained in Chapter 17.116. The uses described as permitted uses in the Resort Commercial Zone (CR) contained in Chapter 17.96 may be considered subject to the conditional use permit process specified in Chapter 17.112. This interim land use policy shall remain in effect until such time as specific land use policies are adopted for each TPA respectively.

C. **Minimum parcel size:**

1. Parcels shall have a minimum size of two and one-half (2 1/2) acres (exclusive of easement) if the domestic water system and the sewage disposal system is to be developed on the parcel.

2. If a community water system or a community sewage disposal system is to be developed, then one (1) acre parcels (exclusive of easements), may be approved providing the average slope does not exceed fifteen percent (15%). The burden is upon the applicant to show that such system meets the laws and standards of the state and the county.

3. If both a community water supply system and a community sewage disposal system is to be developed then parcels of nine thousand (9,000) square feet (exclusive of easements) may be approved providing the average slope does not exceed fifteen percent (15%). The burden is upon the applicant to show that such system meets the laws and standards of the state and county. (Ord. 704 Sec.1, 1988).

Chapter 17.16

RURAL RESIDENTIAL ZONE (RRZ)

Sections:

17.16.010 Rural residential zone (RRZ).

17.16.010 Rural residential zone (RRZ).

The Rural Residential Zone (RRZ), as designated on the Mariposa County land use map, is applied to lands best suited to rural residential development uses of a moderately high density, located adjacent to or near a TPA, or in isolated rural areas where existing community sewer and/or water systems have been developed.

A. **Development standards for RRZ.** Development standards for the RRZ 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. **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). (Ord. 816 Sec.IV, 1991)

c. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

2. **Minimum parcel or lot size:** No parcel of real property in a RRZ 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 two and one-half (2 1/2) acres in gross area. No parcel or lot shall be divided below five (5) acres without establishment of a community sewer system.

3. **Density:** One (1) single family residence per two and one-half (2 1/2) acres. (Ord. 704 Sec.1, 1988).

Chapter 17.20

MOUNTAIN HOME ZONE (MPZ)

Sections:

17.20.010 Mountain home zone (MHZ).

17.20.010 Mountain home zone (MHZ).

The MHZ as designated on the Mariposa County land use map, is applied to land best suited for moderate residential densities based upon suitability of terrain, location adjacent to population centers and services areas. This land use classification is provided to accommodate the major portion of the rural homesite growth of the county.

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

1. **Uses:**

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

b. **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); mineral or construction material processing, quarrying or aggregate processing shall be allowed by use permit issued for one (1) year. The permit shall be renewed if conditions are met and the site is maintained in accordance with the *Surface Mining Act, Mariposa County Code and Water Quality Control Board Standards* and renewal of the use permit does not significantly interfere with residential uses. Processed, stockpiled material can be removed after permit to process has expired provided that terms of the reclamation plan are met. (Ord. 816 Sec.V, 1991).

c. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

2. **Minimum parcel or lot size:** No parcel of real property 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 five (5) acres in gross area.

3. **Density:** One (1) single family residence per five (5) acres. (Ord. 704 Sec.1, 1988).

Chapter 17.24

MOUNTAIN TRANSITION ZONE (MTZ)

Sections:

17.24.010 Mountain Transition Zone (MTZ).

17.24.010 Mountain transition zone (MTZ).

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. **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). (Ord. 816 Sec.VI, 1991).

c. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

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).

Chapter 17.28

MOUNTAIN GENERAL ZONE (MGZ)

Sections:

17.28.010 Mountain general zone (MGZ).

17.28.010 Mountain general zone (MGZ).

The Mountain General Zone (MGZ) as designated on the Mariposa County land use map, is applied to lands characterized by terrain that is less suitable for moderate or high residential densities or intense use, or is remote from established service centers. Due to the requirement for larger parcel sizes, diverse uses with minimum potential for use conflicts are possible within this classification.

A. **Development standards for MGZ.**

Development standards for the MGZ shall be as follows:

1. **Uses:**

a. **Permitted uses:** Residential, non-commercial recreation, mining and rock processing in conformance with Surface Mining Act, county code and those applicable uses listed under Chapter 17.108 of this Title. (Ord. 704 Sec.1, 1988).

b. **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); membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables and riding trails. (Ord. 816 Sec.VII, 1991).

c. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

2. **Minimum parcel or lot size:** No parcel of real property in the MGZ 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 forty (40) acres or a legal quarter-quarter section in gross area.

3. **Density:** Two (2) single family residences per forty (40) acres or a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).

Chapter 17.32

GENERAL FOREST ZONE (GFZ)

Sections:

17.32.010 General forest zone (GFZ).

17.32.010 General forest zone (GFZ).

The General Forest Zone (GFZ) as designated on the Mariposa County land use map, is applied to lands under private ownership located primarily within the boundaries of national forest lands that are best suited for low density residential, timber management, agriculture and mining.

A. Development standards for GFZ.

1. Uses:

a. **Permitted uses:** Residential, sustained yield timber management; mining, rock and mineral processing in compliance with the Surface Mining Act and county code, non-commercial recreation, and those applicable uses listed under Chapter 17.108 of this Title. (Ord. 704 Sec.1, 1988).

b. **Conditional uses:** Employee housing; 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); membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables, and riding trails. (Ord. 816 Sec.VIII, 1991).

c. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

2. **Minimum parcel or lot size:** No parcel of real property in the GFZ 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 forty (40) acres or a legal quarter-quarter section in gross area.

3. **Density:** Two (2) single family residences per forty (40) acres or a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).

Chapter 17.36

MOUNTAIN PRESERVE ZONE (MPZ)

Sections:

17.36.010 Mountain preserve zone (MPZ).

17.36.010 Mountain preserve zone (MPZ).

The Mountain Preserve Zone (MPZ) as designated on the Mariposa County land use map, is applied to lands that are suitable for extremely low density residential development due to terrain and lack of accessibility. These lands are under private ownership within or adjacent to publicly owned lands, with brush and grass cover, and some timber.

A. Development standards for the MPZ.

Development standards for the MPZ shall be as follows:

1. Uses:

a. **Permitted uses:** Residential, non-commercial recreation, mining, milling or mineral processing when in conformance with the Surface Mining Act and county code, and those applicable uses listed under Chapter 17.108. (Ord. 704 Sec.1, 1988).

b. **Conditional uses:** Employee housing; private schools, except as permitted by section 17.108.060(I). (Ord. 816 Sec.IX, 1991).

c. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

2. **Minimum parcel or lot size:** No parcel of real property in the MPZ 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 one hundred sixty (160) acres or a legal quarter section in gross area.

3. **Density:** Two (2) single family residences per one hundred sixty (160) acres or a legal quarter section. (Ord. 704 Sec.1, 1988).

Chapter 17.40

AGRICULTURE EXCLUSIVE ZONE (AEZ)

Sections:

17.40.010 Agriculture exclusive zone (AEZ).

17.40.010 Agriculture exclusive zone (AEZ).

The Agriculture Exclusive Zone (AEZ) as designated on the Mariposa County land use map, is applied to land considered to be most desirable for agriculture use. The purpose is to preserve the agricultural industry of Mariposa County as a viable economic activity.

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

1. **Uses:**

a. **Permitted uses:** Unlimited agriculture, low density residential, employee housing, accessory buildings and accessory uses, barns, stables, farm equipment shelters, and other out buildings; home enterprises, rural home industry, public schools, public parks and other public facilities, such as volunteer fire departments, utility transmission and distribution lines, towers, poles and substations; mining, rock and mineral processing when in compliance with the Surface Mining Act; and those applicable uses listed under Chapter 17.108. (Ord. 704 Sec.1, 1988).

b. **Conditional uses:** Slaughter houses, commercial hunting clubs, dude or guest ranches, riding clubs, stables or animal boarding facilities and similar activities; private schools, except as permitted by Section 17.108.060(I). In addition to other conditions placed on them by the planning commission, slaughter houses shall have a minimum setback of fifteen hundred (1500) feet from state highways and adjacent higher density land use classifications or property lines. (Ord. 816 Sec.X, 1991).

c. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

2. **Minimum parcel or lot size:** No parcel of real property in the AEZ 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 one hundred sixty (160) acres or a legal quarter section in gross area.

3. **Density:** Two (2) single family residences per one hundred sixty (160) acres or a legal quarter section.

B. **Agricultural advisory committee.** An agricultural advisory committee comprised of representatives of the agricultural community in a manner to be established by board resolution, shall be appointed by the Mariposa County board of supervisors.

The Mariposa County farm advisor shall be an ex-officio advisory member of the committee.

1. The recommendation of the agricultural advisory committee shall be obtained prior to the inclusion of any land into an AEZ, or the removing of any land from an AEZ, as shown on the Mariposa County land use map.

2. The committee shall review each action described above and may, if necessary, inspect the property in question to determine if the property is bona fide agricultural land appropriate for the AEZ. (Ord. 704 Sec.1, 1988).

Chapter 17.44

TIMBER EXCLUSIVE ZONE (TEZ)

Sections:

17.44.010 Timber exclusive zone (TEZ).

17.44.010 Timber exclusive zone (TEZ).

The Timber Exclusive Zone (TEZ) is a timber preserve zone for the growing and harvesting of timber for those uses which are an integral part of a timber management operation. Land use under a TEZ shall be restricted for a minimum of ten (10) years to growing and harvesting timber, and to compatible uses approved by the county.

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

1. **Uses.**

a. **Permitted uses:** Growing and harvesting of timber and forest products; uses and facilities appurtenant to timber growing and harvesting, including but not limited to roads, log landings, and log storage areas. Residential, grazing, wildlife preserves; management for watershed, fish and wildlife habitat; hunting, fishing, hiking and camping; forest fire lookout stations; exploration or prospecting for minerals; portable saw mills and portable planing mills; gas, electric, water or communication transmission facilities; wholesale nurseries and similar horticultural enterprises; and those applicable uses listed under Chapter 17.108.

b. **Conditional uses:** The following uses shall be permitted only with a conditional use permit: Timber products processing plants, including but not limited to such permanent facilities as saw mills, lumber and plywood mills, planing mills, provided that the plants are secondary or incidental to timber growing and harvesting operation on the same parcel; logging camps or labor camps appurtenant to timber harvesting or planting operation for the duration of one year; additional dwellings when necessary for the timber management operation; membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables and riding trails in conjunction with a bona fide timber management operation; mining and quarrying for the removal of minerals and such appurtenances as required; surface mining operations shall include, but are not limited to: in-place distillation, retorting or leaching; production and disposal of mining waste.

c. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

2. **Property development standards:** In addition to Title 5, Division 1, Chapter 6.7 of the California Government Code, the following property development standards shall apply to all land and structures in the TEZ:

Each parcel prior to acceptance into the TEZ, shall have a minimum of ten thousand (10,000) board feet per acre, or meet the minimum timber stocking standards of the state within five (5) years.

A timber management plan shall be presented to and approved by the Mariposa County planning commission. This plan shall be prepared by a registered professional forester.

The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the California state board of forestry for the zone in which the parcel is located; or, the owner must sign an agreement with the board to meet such stocking standards and forest practice rules by the fifth (5th) anniversary of the signing of such agreement. If the parcel is subsequently zoned as Timberland Preserve under Subdivision (a) of Section 4561 listed above, then failure to meet such stocking standards and forest practice rules within this time period provides the board with a ground for rezoning of the parcel pursuant to Section 51121 of the Government Code.

Other provisions of this title notwithstanding, all lands zoned in a TPZ in accordance with County Ordinances 464 and 557 are hereby zoned in accordance with the provisions of this Chapter as a TEZ. All rules, policies and provisions of previous TEZs are deemed consistent with the provisions of this Chapter and nothing contained herein shall be deemed to minimize, null, or otherwise set aside any permits, plans, or other benefits granted or otherwise obtained under the provisions of a previous TEZ.

3. **Minimum parcel or lot size:** No parcel or real property 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 forty (40) acres or a legal quarter-quarter section.

4. **Density:** Two (2) single family residences per forty (40) acres or a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).

Chapter 17.48

INDUSTRIAL MINING ZONE (IMZ)

Sections:

17.48.010 Industrial mining zone (IMZ).

17.48.010 Industrial mining zone (IMZ).

The Industrial Mining Zone (IMZ) as designated on the Mariposa County zoning map, is applied to land areas where mining operations have been developed on a large scale. This classification is also applied to land having significant mineral resources.

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

1. **Uses:**

a. **Permitted uses:** Industrial mining subject to the California State Surface Mining Act and county code; residential; and those applicable uses listed under Chapter 17.108 of this Title.

b. **Conditional uses:** Employee housing.

c. **Prohibited uses:** All other uses not listed above are prohibited.

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

3. **Density:** One (1) single family residence per twenty (20) acres or a legal one half (1/2) quarter-quarter section. (Ord. 704 Sec.1, 1988).

Chapter 17.60

OPEN WATERSHED OVERLAY (OWO)

Sections:

17.60.010 Open watershed overlay (OWO).

17.60.010 Open watershed overlay (OWO).

The Open Watershed Overlay (OWO) designated on the Mariposa County Zoning Map, is an overlay district and shall be applied to lands utilized, or proposed to be utilized as watersheds for public or community surface water supply, as defined by the engineering studies for that project. Within any OWO, the specific policies, standards and regulations of the principal zone with which the OWO is combined, are modified in accordance with this chapter.

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

1. **Uses:**

a. **Permitted uses:** Single family residences, home enterprise, agriculture, public parks, and the managed production and harvesting of timber and those applicable uses listed under Chapter 17.108 of this Title.

b. **Conditional uses:** None.

c. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

2. **Minimum parcel or lot size:** No parcel of real property in the OWO 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 a legal one-half of a quarter-quarter section except, where larger parcel sizes are required in the principal zone shall apply.

3. **Density:** Standards required in the principal zone or one (1) single family residence per twenty (20) acres, whichever is more restrictive.

B. **Improvement standards for OWO.** For the purposes of insuring adequate protection of water quality within an area designated OWO, the following improvement standards shall be required on all building permits, ~~use permits~~, variances, or subdivision proposals:

1. Land located within an OWO are designated as "erosion hazard areas" in accordance with provisions of this Code with respect to grading.

2. All development proposals shall require approved percolation tests.

3. No septic system shall be installed unless such septic system is installed on a specific location wherein an approved percolation test has been conducted in accordance with this Code. (Ord. 704 Sec.1, 1988).

C. Amendment standards. Wherever it can be proven that a parcel, or part of a parcel, lies outside the watershed, the Open Watershed Conservation (OWC) shall be modified to exclude that parcel or part of a parcel.

The burden of proof is upon the applicant and shall consist of an engineered survey of the watershed line and any information deemed necessary by the planning director. Also, whenever a lot line adjustment or land division is completed where the watershed becomes a surveyed line, the OWC shall be modified to follow the actual watershed boundary. Once the watershed becomes a surveyed line, the county shall initiate an amendment to reflect the modification of the OWC. The development policy and improvement standards of the OWC shall not apply to those lands outside the watershed during the land division or lot line adjustment application process. (Ord. 729 Sec.1, 1988).

Chapter 17.64

AIRPORT OVERLAY (APO)

Sections:

17.64.010 Airport overlay (APO).

17.64.010 Airport overlay (APO).

The Airport Overlay (APO) is an overlay district and is intended to create airport approach zoning regulations for the purpose of promoting the health, safety and general welfare of inhabitants of the county by preventing the creation or establishment of airport hazards, and thereby protecting the lives and property of users of a county airport and of occupants of the land in the vicinity of a county airport and preventing destruction and impairment of the utility of an airport and any public investment therein. Within any specific APO the specific policies, standards and regulations of the Principle Zone with which the APO is combined, are modified in accordance Section 17.64.020 below. (Ord. 704 Sec.1, 1987).

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

1. **Uses:**

a. **Permitted uses:** In addition to the uses allowed by the principal zone the following additional land uses shall be permitted on the airport property, subject to conformity with Federal Aviation Agency (FAA) standards applicable to the particular airport property:

(1) Accessory structures and facilities, including aircraft and aviation accessory sales;

(2) Aircraft fueling facilities;

(3) Aircraft storage, service, and repair hangars;

(4) Lighting, radio, and radar facilities;

(5) Runways, taxiways, landing strips, and aprons, grassed or paved;

(6) Terminal facilities for passengers and freight.

b. **Conditional uses:** None.

c. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

2. **Minimum parcel or lot size:** Same as the principal zone.

3. **Density:** Same as the principal zone.

B. **Use limitations.** No use may be made of land within any airport approach zone, horizontal zone, conical zone, or airport transition zone, in such a manner as to create electrical interference with radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and other lights, use lights which will produce glare

in the eyes of the pilots using the airport, impairing pilot visibility, or otherwise endangering the landing, takeoff or maneuvering of aircraft.

C. **Mariposa-Yosemite Airport.** In order to carry out the purpose of this Chapter, all land within the boundaries of the Mariposa-Yosemite Airport, and other land in the vicinity of the airport is divided into: horizontal zones, conical zones, transitional zones, and runway approach zones, the boundaries of which are on a map designated as the Mariposa-Yosemite Airport zoning map. The Mariposa-Yosemite zoning map shall be maintained in the Mariposa County planning office and available for public examination.

D. **Definitions.** Due to the unique character of the district, the following definitions shall apply to the provisions contained in this Chapter and shall not affect or otherwise alter any other provisions of this Title:

1. **Airport:** The Mariposa-Yosemite Airport.
2. **Airport hazard:** Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport, or is otherwise hazardous to such landing or takeoff of aircraft.
3. **Landing area:** The area of the airport used for the landing, takeoff, or taxiing of aircraft.
4. **Structure airport:** Any object constructed or installed by man, including but not limited to buildings, towers, smokestacks, and overhead lines.
5. **Tree:** Any object of natural growth.

E. **Height limits.** Except as otherwise provided in this Title, no structure shall be erected, altered or maintained in any airport approach zone, transition zone, horizontal zone or conical zone, to a height in excess of the height limit established in this Section for each zone. For purposes of determining these height limits as hereinafter specified, the U.S. Coast and Geodetic Survey has established the official airport elevation reference to be twenty two hundred fifty-two (2252) feet mean sea level and all height limits will begin at said elevation. For purposes of this regulation, the following height limits area established for each of the zones in questions.

1. **Clear Zone:** One hundred twenty-five (125) feet on each side of the runway centerline and two hundred (200) feet on each end of the runway; zero (0) feet height;
2. **Transition zone:** Laterally from the clear zone to the distance where a one hundred fifty (150) foot height above the clear zone is reached on a 7:1 slope: one hundred fifty (150) feet at the outer perimeters;
3. **Horizontal zone:** The horizontal zone is established by swinging arcs five thousand (5000) feet radii from the center of the ends of the clear zone, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone shall encompass the area from the outer perimeter of the transition zone to the limits of the five thousand (5000) foot radii and tangents: the elevation of the horizontal zone shall be one hundred fifty (150) feet at all locations;

4. **Conical zone:** Outward from the outer perimeter of the horizontal zone a distance of four thousand (4000) feet on a 20:1 slope: one hundred fifty (150) foot elevation at the inner perimeter to three hundred fifty (350) foot elevation at the outer perimeter;

5. **Approach zone:** From the edge of the clear zone at the ends of the runway a distance required to intersect the horizontal zone at a 20:1 slope with the outer edges sloping outward at a 10:1 slope: one hundred fifty (150) feet at the outer perimeter.

F. **Exception to height limitations.** Nothing in this Section shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to twenty-five (25) feet above the surface of the land except in the clear and approach zone to the runway. Where an area is covered by more than one (1) height limitation, the more restrictive limitations shall prevail. (Ord. 704 Sec.1, 1988).

Chapter 17.66

DESIGN REVIEW OVERLAY (DRO)

Sections:

17.66.010 Design review overlay zone (DRO).

17.66.010 Design review overlay zone (DRO).

The Design Review Overlay Zone (DRO) is an overlay district which is intended to be combined with any other district in which it is determined desirable to protect the overall appearance of the district by regulating the design of new structures and changes in the appearance of existing structures. The purpose of this district is to ensure that proposed buildings, structures, signs, and landscaping and modifications to buildings, structures, signs, and landscaping within these areas are in harmony with the surrounding areas. The intent of the zone is to enhance tourism and to stabilize and increase property values. This district may be applied to areas containing public or private buildings and lands exhibiting unique architectural themes and/or scenic beauty.

A. Development standards for the DRO.

Development standards for the DRO shall be as follows:

1. Uses: Permitted, conditional and prohibited uses shall be as set forth in the Principal Zone.
2. Minimum parcel or lot size: As established by the Principal Zone.
3. Density: As established by the Principal Zone.
4. Setbacks, building height, parking and other applicable development standards: As established by the Principal Zone.

B. Special development standards for the DRO.

Development in the DRO district shall conform to architectural theme and development guidelines established by the board of supervisors pursuant to subsection (G) of section 17.66.010 of this chapter. In reviewing and approving the application for design review, the planning director shall find that the application complies with the architectural theme and development guidelines established by the board of supervisors. ~~In reaching that determination, the Planning Director shall consider with respect to the following:~~

- ~~1. Height, bulk, and area of buildings.~~
- ~~2. Yards and setbacks.~~
- ~~3. Colors and materials of the exterior of any buildings or signs.~~
- ~~4. Type and pitch of roofs.~~
- ~~5. Size and spacing of windows, doors, and other openings.~~
- ~~6. Size, type and location of signs.~~
- ~~7. Landscaping and site grading.~~
- ~~8. Location and design of parking areas.~~
- ~~9. Exterior lighting.~~

~~10. Location and design of exterior mechanical equipment and other appurtenances such as trash enclosures and propane tanks.~~

~~11. Design and location of any outside storage areas.~~

~~12. Any other aspects of building construction or site development that may relate to maintaining an overall theme within the area in which the proposed development is located.~~

In the instance that a special development standard established by this section conflicts with a Development Standard of the Principal Zone, the special development standard established by this section shall apply.

C. DRO plan review-required.

Except as provided in this section, no commercial, industrial or multi-family residential use shall be established, no development shall occur, no exterior advertising display installed and no building or grading permit shall be issued for any commercial, industrial or multi-family residential use or development in the DRO district until an application for design review plan has been submitted to and approved by the planning director in accordance with the procedures established in this section.

D. DRO plan-application contents.

An application for design review shall include the following:

1. A completed commercial, industrial and multi-family dwelling building permit application form. Complete construction drawings are not necessary for the design review process.

2. A plot plan drawn to the scale specified by the planning director which contains the information specified in section 17.08.150 of this title.

3. Elevations of all sides of the proposed building or structures showing:

- a. Dimensions of the buildings or structures.
- b. Proposed architectural treatment, building materials and colors.
- c. Roof design and materials.
- d. Size and spacing of windows, doors, and other openings.

- e. Signs.
- f. Exterior lighting.
- g. Exterior mechanical equipment and above ground utilities.

An exemption from the requirement for providing elevations of all sides of the proposed building or structure may be allowed where it can be shown to the satisfaction of the planning director that certain sides of the building/structure are not visible from public property or public rights-of-way. In this instance the elevations of the sides not visible are not required.

4. Preliminary grading plan indicating grading necessary for the proposed structures, access roads and parking areas. The plan shall indicate the location, height and grade of all cut and fill banks necessary for the proposed project.

5. A narrative description of the proposed

development and how it was designed in accordance with the applicable architectural theme and design guidelines may be submitted to assist in the design review process.

E. DRO plan-application processing procedures.

A pre-application meeting with the planning department to discuss a proposed project and the applicable design review standards is strongly encouraged. Upon receipt and acceptance of a design review plan application as complete, the planning department shall, within five (5) days, refer such application to the design review committee appointed by the board of supervisors having jurisdiction over the area in which the development is proposed. The design review committee shall formulate a recommendation to approve, conditionally approve or deny the design review plan within fourteen (14) days of the receipt of a completed application from the planning department. In the instance that no design review committee has been appointed or the appointed design review committee fails to formulate a recommendation by majority vote, the planning director shall consider the design review plan. The planning director shall consider the design review plan application along with the recommendation and act to approve, conditionally approve or deny the application. Action on the design review plan shall occur within five (5) days of receipt of the recommendation from the design review committee. The planning director's action shall be based on the findings listed in subsection 17.66.010(B) of this section. The planning director shall provide specific written findings if a design review plan is denied.

F. DRO plan application-review exemption.

The planning director may approve an exemption from review by the design review committee where it can be determined that the proposed development is of a small scale (generally less than 5000 sq. ft.) or is a minor alteration or expansion of an existing development that clearly complies with all of the special development standards established pursuant to this section by the board of supervisors for the affected area. For the purpose of this subsection a minor alteration or expansion is defined as an alteration that will not significantly modify the exterior appearance of the structures and/or site. The applicant shall be required to submit the information required by subsection 17.66.010(D) of this section in order to justify the exemption.

G. Establishment of architectural theme and development guidelines for DRO districts.

The board of supervisors shall establish an architectural theme and development guidelines for each DRO district established pursuant to this section. The standards shall provide guidelines for development in accordance with the special development standards established by subsection 17.66.010(B) of this section. The standards may be adopted separately or as part of a Specific Plan for an area and shall be adopted by resolution or ordinance. (Ord. 774 Sec.1, 1990).

Chapter 17.67

HISTORIC DESIGN REVIEW OVERLAY (HDRO).

Sections:

- 17.67.010 Historic Design Review Overlay (HDRO) procedures.
- 17.67.020 Demolition within an HDRO district.

17.67.010 Historic Design Review Overlay (HDRO) procedures.

The Historic Design Review Overlay Zone (HDRO) is an overlay district which is intended to be combined with any other district located in an area containing a substantial number of historic buildings where it is determined desirable to protect the overall appearance and integrity of the district by preserving existing structures and regulating the design of new structures and changes in the appearance of existing structures. The purpose of this district is to ensure that proposed buildings, structures, signs, and landscaping and modifications to buildings, structures, signs, and landscaping within these areas are in harmony with the historic nature of the district. The intent of the zone is to promote the overall economic vitality of a district, enhance tourism and to stabilize and increase property values. This district may be applied to areas containing public or private buildings determined to be historically significant.

A. Development standards for the HDRO.

- 1. Uses: Permitted, conditional and prohibited uses shall be as set forth in the Principal Zone.
- 2. Minimum parcel or lot size: As established by the Principal Zone.
- 3. Density: As established by the Principal Zone.
- 4. Setbacks, building height, parking requirements and other applicable development standards: As established by the Principal Zone.

B. Special development standards for the HDRO.

Development in the HDRO District shall conform to architectural theme and development guidelines established by the board of supervisors pursuant to subsection 17.67.010(G) of this chapter. In reviewing and approving the application for design review, the planning director shall find that the application complies with the architectural theme and development guidelines established by the board of supervisors. In reaching that determination, the Planning Director shall consider with respect to the following:

- ~~1. Height, bulk, and areas of buildings.~~
- ~~2. Yards and setbacks.~~
- ~~3. Colors and materials of the exterior of any buildings or signs.~~
- ~~4. Type and pitch of roofs.~~
- ~~5. Size and spacing of windows, doors, and other openings.~~
- ~~6. Size, type and location of signs.~~
- ~~7. Landscaping and site grading.~~

- ~~8. Location and design of parking areas.~~
- ~~9. Exterior lighting.~~
- ~~10. Location and design of mechanical equipment and other appurtenances such as trash enclosures and propane tanks.~~
- ~~11. Design and location of any outside storage areas.~~
- ~~12. Any other aspects of building construction or site development that may relate to maintaining an overall theme within the area in which the proposed development is located.~~

In the instance that a special development standard established by this section conflicts with a development standard of the Principal Zone, the special development standard established by this section shall apply.

C. HDRO plan review-required.

Except as provided in this section, no commercial, industrial or residential use shall be established, no development shall occur, no exterior advertising display shall be installed and no building and grading permit shall be issued for any commercial, industrial or residential development in the HDRO district until an application for design review plan has been submitted to and approved by the planning director in accordance with the procedures established in this section.

D. HDRO plan-application contents.

An application for design review shall include the following:

1. A completed commercial, industrial and multi-family dwelling building permit application form. Complete construction drawings are not necessary for the design review process.
2. A plot plan drawn to the scale specified by the planning director which contains the information specified in section 17.08.150 of this title.
3. Elevations of all sides of the proposed building or structure showing:
 - a. Dimensions of the buildings or structures.
 - b. Proposed architectural treatment, building materials and exterior colors.
 - c. Roof design and materials.
 - d. Size and spacing of windows, doors, and other openings.
 - e. Signs.
 - f. Exterior lighting.
 - g. Exterior mechanical equipment and above ground utilities.

An exemption from the requirement for providing elevations of all sides of the proposed building or structure may be allowed where it can be shown to the satisfaction of the planning director that certain sides of the building/structure are not visible from public property or public rights-of-way. In this instance the elevations of the sides not visible are not required.

4. Preliminary grading plan indicating grading necessary for the proposed structures, access roads and parking areas. The plan shall indicate the location, height and grade of all cut and fill banks necessary for the proposed project.

5. Narrative description of the proposed development and how it was designed in accordance with the architectural theme and design guidelines established by the board of supervisors.

E. HDRO plan-application processing procedures.

A pre-application meeting with the planning department to discuss a proposed project and the applicable design review standards is strongly encouraged. Upon receipt and acceptance of a design review plan application as complete, the planning department shall, within five (5) days, refer such application to the design review committee appointed by the board of supervisors having jurisdiction over the area in which the development is proposed. The design review committee shall formulate a recommendation to approve, conditionally approve or deny the design review plan within fourteen (14) days of the receipt of a completed application from the planning department. In the instance that no design review committee has been appointed or the appointed design review committee fails to formulate a recommendation by majority vote, the planning director shall consider the design review plan. The planning director shall consider the design review plan application along with the recommendation and act to approve, conditionally approve or deny the application. Action on the design review plan shall occur within five (5) days of receipt of the recommendation from the design review committee. The planning director's action shall be based upon the findings listed in subsection 17.67.010(B) of this section. The planning director shall provide specific findings if the design review plan is denied.

F. HDRO plan application-review exemption.

The planning director may approve an exemption from review by the design review committee where it can be determined that the proposed development is a minor alteration or expansion of an existing development that will not affect the achievement of the architectural and design review goals established by the board of supervisors for the affected area. For the purpose of this subsection a minor alteration or expansion is defined as less than ten percent (10%) of the existing building size that will not significantly modify the exterior appearance of the structures and/or site. The applicant shall be required to submit the information required by subsection 17.67.010(D) of this section in order to justify the exemption.

G. Establishment of architectural theme and development guidelines for HDRO districts.

The board of supervisors shall establish an architectural theme and development guidelines for each HDRO district established pursuant to this section. The standards may be adopted separately or as part of a Specific Plan for an area and shall be adopted by resolution or ordinance.

17.67.020 Demolition within an HDRO district

A. Demolition permit-review required.

Except as provided in this section no building or structure identified by the County as historically significant within a designated historical design review overlay shall be

demolished without first obtaining approval from the planning director.

B. Demolition permit-review findings.

No permit shall be issued to demolish or cause to be demolished any building, structure or portion thereof that has been identified by the county as historically significant within any historic design review overlay district unless:

1. The planning director determines that the building or structure has no historical value or significance and does not contribute to the historical character of the district; or

2. The planning director determines that the owner would have no economic use of the property unless the structure is removed. It is the applicant's responsibility to submit to the county financial data to substantiate such claim, including the cost, assessed value, taxes, appraisals, listings and income from the property; or

3. The planning director determines that the structure or building is in such a deteriorated condition that it is determined to be unrepairable and that demolition will not have a significant effect on the achievement of the purpose of this title; or

4. The planning director determines, upon consultation with the chief building inspector, county engineer, county fire warden or other appropriate individuals that an imminent safety hazard exists, and that demolition is the only feasible means to secure the public safety. The director's determination in this matter shall be guided by the standards and criteria set forth in the current editions of the *Uniform Building Code*, *Uniform Fire Code* and *State Historic Building Code*.

C. Demolition permit-application processing procedures.

Consideration of a demolition permit shall follow the procedures outlined in section 17.67.010(E) of this title.

D. Demolition permit-action.

After review of all pertinent information the planning director shall exercise one of the options listed below:

1. Approve the demolition permit if the application conforms with one of the findings listed in subsection 17.67.020(B).

2. Direct a stay of demolition for a maximum period of four (4) weeks in order to allow time for the applicant and the planning director to seek alternative solutions to demolition. If no alternatives are found, after the period established for the stay of demolition, the director may approve the application.

3. Deny the application if the findings listed in subsection 17.67.020(B) cannot be made. (Ord. 774 Sec.2, 1990).

Chapter 17.68

RESIDENTIAL EXCLUSIVE OVERLAY ONE (REO-1)

Sections:

17.68.010 Residential exclusive overlay one (REO-1).

17.68.010 Residential exclusive overlay one (REO-1).

The Residential Exclusive Overlay One Zone (REO-1) is an overlay district which is intended to be applied to land utilized, or proposed to be utilized, exclusively for single family residential uses. Within any REO-1 zone, the specific policies, standards and regulation of the Principal Zone, with which the REO-1 zone is combined, are modified in accordance with the following Sections.

A. **Development standards for REO-1.** Development standards for the REO-1 shall be as follows:

1. **Uses:**

a. **Permitted uses:** Principal zone district use standards are modified to the extent that the only uses permitted are: residential uses; the keeping of domestic animals; accessory buildings and structures; utility transmission and distribution lines, towers and poles.

b. **Conditional uses:** None.

c. **Prohibited uses:** All other uses not listed above, including agriculture, are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

2. **Implementation:**

a. **Major or minor subdivisions:** An REO-1 may be requested by a developer at the time a subdivision map and application are submitted to the planning department.

b. **Existing residential parcels:** Any property owner or owners may request an REO-1 providing that all affected parcels are contiguous and all owners sign the application requesting the REO-1. No parcel will be subject to an REO-1 unless the owner of record requests it.

3. **Minimum parcel or lot size:** Same as the principal zone.

4. **Density:** Same as the principal zone. (Ord. 704 Sec. 1, 1988).

Chapter 17.72

RESIDENTIAL EXCLUSIVE OVERLAY TWO (REO-2)

Sections:

17.72.010 Residential exclusive overlay two (REO-2).

17.72.010 Residential exclusive overlay two (REO-2).

The Residential Exclusive Overlay Two (REO-2) Zone is an overlay district which is intended to be applied to land utilized, or proposed to be utilized, exclusively for single family residential uses. Within any REO-2 zone, the specific policies, standards and regulation of the principal zone, with which the REO-2 zone is combined, are modified in accordance with the following Sections.

A. **Development standards for REO-2.** Development standards for the REO-2 shall be as follows:

1. **Uses:**

a. **Permitted uses:** Principal zone district use standards are modified to the extent that the only uses permitted are: residential uses; the keeping of domestic animals; accessory buildings and structures; utility transmission and distribution lines, towers and poles, and personal service businesses in which the residents are the only employees.

b. **Conditional uses:** None.

c. **Prohibited uses:** All other uses not listed above, including agriculture, are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

2. **Implementation:**

a. **Major or minor subdivisions:** An REO-2 may be requested by a developer at the time a subdivision map and application are submitted to the planning department.

b. **Existing residential parcels:** Any property owner or owners may request an REO-2 providing that all affected parcels are contiguous and all owners sign the application requesting the REO-2. No parcel will be subject to an REO-2 unless the owner of record requests it.

3. **Minimum parcel or lot size:** Same as the principal zone.

4. **Density:** Same as the principal zone. (Ord. 704 Sec.1, 1988).

Chapter 17.76

NEIGHBORHOOD COMMERCIAL ZONE-1, (INDOOR) CN-1

Sections:

- 17.76.010 Purpose and intent.
- 17.76.020 Development standards for CN-1.
- 17.76.030 Minimum setback standards.

17.76.010 Purpose and intent.

The Neighborhood Commercial Zone-1, (Indoor) CN-1, hereinafter referred to as CN-1, is designed to provide for indoor retail services primarily related to the needs of the small residential community. (Ord. 704 Sec.1, 1988).

17.76.020 Development standards for CN-1.

Development standards for the CN-1 shall be as follows:

A. Uses:

1. **Permitted Uses:** The following indoor uses shall be permitted within any CN-1 zone:

a. **Office and Professional Uses:**

(1) Administrative, doctors, dental, stock-brokers, attorneys, accountants, real estate, and other similar professional offices;

(2) Libraries and reading rooms;

(3) Photographers' studios and supplies;

(4) Urgent care facilities.

b. **Retail Sales:**

(1) Antique and gift shops;

(2) Auto parts--new or reconditioned;

(3) Art galleries and studios;

(4) Clothing, drug, food, beverage, hardware, paint, nursery stock, feed, radio, television, furniture, appliance, sporting goods, camping supplies, and variety stores.

c. **Services:**

(1) Barber and beauty shops;

(2) Banks and similar financial institutions;

(3) Shoe repair shops;

(4) Travel agencies, tourist information centers and other related services;

(5) Locksmiths, gunsmiths, and other similar uses;

(6) Convenience printing and duplicating services.

d. **Other permitted uses:** Residential and those applicable uses listed under Chapter 17.108 of this Title.

2. **Accessory uses:** Water and wastewater treatment facilities and systems in conjunction with an established permitted use.

3. **Conditional uses:** None.

4. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

B. **Minimum parcel or lot size:** No parcel or real property shall be divided or split into two (2) or more parcels or lots by voluntary transfer, court action, or other conveyance where any one (1) of the parcels or lots so created will result in a parcel or lot which does not conform with the following:

1. Have a minimum size of two and one-half (2 1/2) acres (exclusive of easements).

2. Have a minimum size of one (1) acre (exclusive of easements) if a public or community water or sewer system provides services to the parcel or lot and slope of the parcel or lot does not exceed fifteen percent (15%) average slope. Average slope is expressed in percent as a ratio of vertical rise to horizontal distance on a specific area of land. Determinations are to be based on normally acceptable methods subject to approval by the planning department.

3. The applicant shall show that such water and waste disposal system developed on said parcel or lot meets all laws and standards of the state of California and the county of Mariposa, and shall provide evidence that such community or public service is available, or will be developed where required under provisions of this Section.

C. **Density:** One (1) single family residence per legal parcel. (Ord. 704 Sec.1, 1988).

D. **Signs:**

1. The following signs shall be permitted in the CN-1 zone:

a. Temporary signs not exceeding sixteen (16) sq. ft. The term of such signs shall be the term of the special event and shall not exceed six (6) months, or the term of time the property is offered for sale or lease.

b. Signs complying with the standards of this title and advertising the business or services located on the parcel upon which the sign is located.

2. Sign standards:

a. The aggregate sign area for any business shall be 1 sq. ft. of sign area per one (1) lineal foot of the business frontage with a maximum sign area of thirty-two (32) square feet. A business within a building having frontage on more than one (1) public right-of-way may use the maximum aggregate sign area on one frontage and one-half (1/2) the maximum aggregate sign area on the other frontage.

b. Signs shall be incorporated into the building design and shall not extend above the peak of the roof of the building upon which the sign is located. A monument sign shall be allowed as an alternative to or in addition to the building sign. A monument sign shall not exceed thirty-two (32) square feet in area and six (6) feet in height and shall be subject to the aggregate sign area standard.

c. In addition to the maximum aggregate sign area, commercial centers having a common name and containing

three (3) or more business entities may contain a monument sign not exceeding thirty-two (32) square feet and six (6) ft. in height. The monument sign shall only identify the complex and shall not be used to advertise the individual businesses.

E. Lighting:

1. All exterior lighting shall be designed and located so as to confine lighting directly on the premises and shall not shine light upon other properties in the vicinity. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. Lighting shall not be of the type or in a location which constitutes a hazard to vehicular traffic, either on private property or on abutting private or public roads.

2. A lighting plan showing the design and location of all exterior lights shall accompany all development permit applications and shall include all information deemed necessary by the planning director. The lighting plan shall be approved by the planning director prior to issuance of the development permit. All exterior lighting shall comply with the approved lighting plan, and non-compliance with the approved lighting plan or this section shall be considered a violation. (Ord. 800 Sec.II, 1991)

17.76.030 Minimum setback standards.

The minimum setback standards for CN-1, shall be the same as those listed in Section 17.108.130(A), but notwithstanding anything to the contrary, there shall be a minimum setback of fifty (50) feet from any property line that abuts a residential zone. (Ord. 704 Sec.1, 1988).

Chapter 17.80

**NEIGHBORHOOD COMMERCIAL ZONE-2,
(INDOOR AND OUTDOOR) CN-2**

Sections:

- 17.80.010 Purpose and intent.
- 17.80.020 Development standards for CN-2.
- 17.80.030 Minimum setback standards.

17.80.010 Purpose and intent.

The Neighborhood Commercial Zone-2 (Indoor and Outdoor) CN-2, hereinafter referred to as CN-2, is designed to provide for indoor and outdoor retail services primarily related to the needs of the small residential community. (Ord 704 Sec.1, 1988).

17.80.020 Development standards for CN-2.

Development standards for the CN-2 shall be as follows:

A. Uses:

1. **Permitted uses:** The permitted uses in the CN-1 shall also be allowed in the CN-2. In addition the following indoor and outdoor uses shall be permitted within any CN-2. Outside sales or services shall be permitted only when an integral part of the primary use:

a. **Retail sales:**

- (1) Radio, television, furniture, appliance sales and repair;
- (2) Food and beverage store, with or without fuel pumps.

b. **Services:**

- (1) Cafes and restaurants that may sell alcoholic beverages;
- (2) Day care and preschools;
- (3) Automobile rental;
- (4) Laundromats and drycleaning.

c. **Public facilities and utility substations or offices.**

d. **Miscellaneous indoor handicrafts manufacturing for the purpose of retail sales at the site where they are manufactured.**

e. **Other permitted uses:** Residential and those applicable uses listed under Chapter 17.108.

2. **Accessory Uses:** Water and wastewater treatment facilities and systems in conjunction with an established permitted use.

3. **Conditional uses:** None.

4. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

B. Minimum parcel or lot size: The minimum parcel or lot size shall be as stated in Section 17.76.020(B).

C. **Density:** One (1) single family residence per legal parcel. (Ord 704 Sec.1, 1988).

D. **Signs:** The standards for signs in the CN-2 zone shall be as specified in section 17.76.020 of this title.

E. **Lighting:** The standards for lighting in the CN-2 zone shall be as specified for the CN-1 zone listed in section 17.76.020(D) of this title. (Ord. 800 Sec.II, 1991)

17.80.030 Minimum setback standards.

The setback standards shall be the same as those stated in Section 17.108.130(A), but notwithstanding anything to the contrary, there shall be a minimum setback of fifty (50) feet from any property line that abuts a residential zone. (Ord 704 Sec.1, 1988).

Chapter 17.84

**COMMERCIAL-INDUSTRIAL-MANUFACTURING PLAN (PLAN)
FOR CG-1, CG-2, CR, M-1, AND M-2 ZONES**

Sections:

- 17.84.010 Commercial-Industrial-Manufacturing Plan (PLAN).
- 17.84.020 Content of PLAN.
- 17.84.030 Adoption of PLAN.
- 17.84.040 Consistency with general plan.
- 17.84.050 Minimum parcel size (CR).
- 17.84.060 Minimum parcel size (CG-1 and M-1).
- 17.84.070 Minimum Parcel Size (CG-2 and M-2).
- 17.84.080 On and off-site improvements.
- 17.84.090 Fees.
- 17.84.100 Interpretations.
- 17.84.110 Completeness.
- 17.84.120 Approval or disapproval.
- 17.84.130 Resubmission.

17.84.010 Commercial-Industrial-Manufacturing Plan (PLAN).

Prior to obtaining any county permit for Commercial, Industrial or Manufacturing Purposes in CG-1 (Chapter 17.88), CG-2 (Chapter 17.92), CR (Chapter 17.96), M-1 (Chapter 17.100) or M-2 (Chapter 17.104) Zones, an applicant shall have a "Commercial-Industrial-Manufacturing Plan", hereinafter referred to as "PLAN", approved by the planning commission and the board of supervisors. An application on a form approved by the county, together with a proposed PLAN, shall be filed with the planning department. Prior to approval of a PLAN the planning commission shall conduct public hearings as described in Chapter 17.132 of this Title.

The purpose of the CG-1, CG-2, CR, M-1 and M-2 zones is to allow flexible commercial development while mitigating the impact of those facilities upon its neighbors and the neighborhood upon the facility. Approval of a PLAN for these zones shall not be construed to assure that applications for similar or identical developments will be approved. Each proposal must be considered separately and the decision to approve or reject a PLAN will be based in part, on the impact of the proposed development on all prior approved proposals as well as the effect on the county as a whole. The CG-1, CG-2, CR, M-1 and M-2 zones are intended to provide for desirable development in keeping with the objectives of the general plan by: encouraging development of mixed uses, where such uses are designed and located to minimize conflict with adjacent uses; encouraging innovative development which can provide for unique opportunities for a working environment; and encouraging a more efficient use of land in a manner which is consistent with the preservation of the natural environment. (Ord 704 Sec.1, 1988).

17.84.020 Content of PLAN.

A proposed PLAN shall be filed with the planning department and shall contain the following:

A. A text and a diagram or diagrams which specify all the following in detail:

1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the PLAN. (Ord 704 Sec.1, 1988).

2. The proposed distribution, location, extent and intensity of major components of public and private transportation, sewerage, water, drainage, solid waste disposal, energy, signage, and other essential facilities proposed to be located within the area covered by the PLAN and needed to support the land uses described in the PLAN. (Ord. 800 Sec.II, 1991)

3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out items 1, 2 and 3 above.

B. The PLAN shall include a statement of the relationship of the PLAN to the general plan. (Ord 704 Sec.1, 1988).

17.84.030 Adoption of PLAN.

A PLAN may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the planning commission and the board of supervisors. Approval of a PLAN shall be considered an amendment processed in accordance with Chapter 17.128. Implementation shall be in conjunction with the applicable zoning district. (Ord 704 Sec.1, 1988).

17.84.040 Consistency with general plan.

No PLAN may be adopted or amended unless the proposed PLAN or amendment is consistent with the general plan. (Ord 704 Sec.1, 1988).

17.84.050 Minimum parcel size (CR).

The minimum parcel size for a CR zone shall be as specified in Section 17.96.020(C)(1&2) of this Title. (Ord 704 Sec.1, 1988).

17.84.060 Minimum parcel size (CG-1 and M-1).

Each CG-1 and M-1 zone shall consist of at least one (1) parcel (PARK) with a minimum size of twenty (20) acres. The PARK may be divided into sub-parcels with a minimum size of six thousand (6,000) square feet per parcel. These sub-parcels shall be created in conformance with the *Subdivision Map Act* and county law. (Ord 704 Sec.1, 1988).

17.84.070 Minimum parcel size (CG-2 and M-2).

Each CG-2 and M-2 Zone shall consist of at least one (1) parcel (PARK) with a minimum size of forty (40) acres. The PARK may be divided into sub-parcels with a minimum size of one (1)

acre. These sub-parcels shall be created in conformance with the *Subdivision Map Act* and county law. (Ord 704 Sec.1, 1988).

17.84.080 On and off-site improvements.

A PLAN approval shall require on and off-site improvements as if the PLAN was requesting full build out with the maximum sub-parcels which this Title would permit within the PARK covered by the proposed PLAN. (Ord 704 Sec.1, 1988).

17.84.090 Fees.

The fees for processing the various applications required by this Title shall be as specified in Section 17.08.050 of this Title. (Ord 704 Sec.1, 1988).

17.84.100 Interpretations.

Interpretations of the PLAN shall be made by the planning director as specified in Section 17.08.120 of this Title. (Ord 704 Sec.1, 1988).

17.84.110 Completeness.

Determination of the completeness of the PLAN shall be as specified in Section 17.08.080 of this Title. (Ord 704 Sec.1, 1988).

17.84.120 Approval or disapproval.

Approval or disapproval of the PLAN will be made pursuant to Section 17.08.100 of this Title. (Ord 704 Sec.1, 1988).

17.84.130 Resubmission.

Resubmission of a denied PLAN shall be handled in accordance with Section 17.08.110 of this Title. (Ord 704 Sec.1, 1988).

Chapter 17.88

GENERAL COMMERCIAL ZONE-1, (CG-1)

Sections:

- 17.88.010 Purpose and intent.
- 17.88.020 Development standards for CG-1.
- 17.88.030 Minimum setback standard.
- 17.88.040 Design criteria.
- 17.88.050 Phasing of the project.
- 17.88.060 Procedures for approval for a CG-1 PLAN.
- 17.88.070 Granting of permits.

17.88.010 Purpose and intent.

The General Commercial-Zone 1, hereinafter referred to as CG-1 zone is designed to provide areas for a variety of general commercial activities of a retail or service nature which are necessary to meet the area or regional needs for such services or activities. (Ord. 704 Sec.1, 1988).

17.88.020 Development standards for CG-1.

Development standards for the CG-1 zone shall be as follows:

A. **Location:** This zone shall be located on, or easily accessible to state highways and designated primary county roads, i.e., collector and arterial roads as specified on the current official county road map, as amended from time to time.

B. **Uses:**

1. **Permitted uses:**

- a. All uses permitted within the CN-1 and the CN-2 zones;
- b. Automobile sales, new and used, with repair and service facilities incidental to the sales thereof;
- c. Mobile home, recreational vehicle, travel trailer or motorhome sales and service facilities, including rental;
- d. Lounges, bars, or other places where alcoholic beverages are served;
- e. Pet shops, kennels, and animal hospitals where animals are maintained within an enclosed structure;
- f. Enclosed warehousing, storage and similar uses;
- g. Bowling alleys, skating rinks, pool or billiard halls, gymnasiums, handball courts, miniature golf and similar recreational uses;
- h. Outdoor sales of goods and materials except wrecking or junk yards;
- i. Lodges and meeting halls;
- j. Mortuaries;
- k. Movie theaters, including outdoor or drive-in types;
- l. Churches;
- m. Lumber yards, construction and building material sales.

3. **Accessory uses:**
 - a. Shipping terminals;
 - b. Water and wastewater treatment facilities and systems;
 - c. Incidental services such as: restaurants, cafeterias, etc., to serve employees;
 - d. Communication facilities and structures;
 - e. Sales offices, showrooms, business offices, etc.
3. **Conditional uses:** None.
4. **Prohibited Uses:** All other uses not listed above are prohibited.

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

D. **Density:** One (1) single family residence per twenty (20) acres or one-half of a legal quarter-quarter section in gross area. The density contained herein shall remain unchanged regardless of whether or not the PARK is subdivided in sub-parcels as permitted by this Title. (Ord. 704 Sec.1, 1988).

17.88.030 Minimum setback standards.

The setback standards for a CG-1 zone shall be as specified in the approved PLAN but in no case shall the requirements be less stringent than the following:

A. One hundred (100) feet from all property lines. This requirement shall be reduced to fifty (50) feet when the adjacent parcels are of the same zoning.

B. When adjacent to or traversed by a public road, setbacks from the roadway for all buildings requiring a building permit shall be the greater of:

1. One hundred eighty (180) feet from the centerline of the dedicated public right-of-way; or

2. One hundred eighty (180) feet from the centerline of the currently maintained public right-of-way.

C. Setbacks shall be fifty (50) feet between structures requiring building permits.

D. **Parking or development:** There shall be no parking or development within the setback area except as follows:

1. Wells and utilities;

2. Parking within setback areas contiguous to public road. (Ord. 704 Sec.1, 1988).

17.88.040 Design Criteria.

The design criteria for all CG-1 zones shall be as follows:

A. **Structures:** Each building site shall have ready access to common areas.

B. **Circulation:** Both vehicular and pedestrian traffic shall be incorporated into the PLAN so that safe and efficient

circulation is obtained. Streets and driveway areas shall be kept to a minimum consistent with safe and efficient circulation.

C. **Parking:** Parking shall conform to the commercial parking requirements as contained in the publication "Urban Planning and Design Criteria" (UPC) by Joseph DeChiara and Lee Coppelman, as amended from time-to-time. No parking area shall have more than six (6) spaces which adjoin each other without intervening landscaping.

D. **Open Spaces:** The minimum open space required shall be forty percent (40%) of the gross project area. Larger areas may be required through approval of the PLAN. For purpose of this Section, any area that is to be developed or improved with parking areas, streets, driveways, carports or any covered structure shall not be considered an open space area. Open space areas shall include unimproved land, landscaped areas, improved recreation areas, and water surfaces, all within the development. (Ord. 704 Sec.1, 1988).

E. **Signage:** Sign standards shall be as specified in section 17.76.020 of this title with the following exemptions:

1. The maximum aggregate sign area for any business shall be one hundred twenty (120) sq. ft.

2. The maximum size for a monument sign identifying a commercial center shall be sixty-four (64) sq. ft. (Ord. 800 Sec.II, 1991)

17.88.050 Phasing of the project.

Project phasing shall be permitted in all CG-1 zones as long as the following criteria is met:

A. Each phase shall be complete enough to stand as an independent unit.

B. Phasing is requested by the project proponent prior to approval of the project. Any approval given shall specify the phasing, the required development standards for each phase, and subsequent approvals required prior to issuance of construction permits. (Ord. 704 Sec.1, 1988).

17.88.060 Procedures for approval for a CG-1 PLAN.

The procedures for establishing a CG-1 zone and appropriate environmental review policies shall be in accordance with Chapter 17.84 of this Title. Special notification requirements shall include all property within twenty-five hundred (2500) feet of the project site. (Ord. 704 Sec.1, 1988).

17.88.070 Granting of permits.

In considering an application, the planning commission shall give due regard to the nature and condition of all adjacent properties, uses, and structures, and to the general or specific plan for the area affected by the proposed use.

A. The planning commission shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental

to property and improvements in the neighborhood or to the general welfare of the county.

B. If the planning commission finds that the aforementioned conditions will not result from the particular use applied for and the use is consistent with the Mariposa County general plan and any applicable specific plan, it shall approve the application, provided the following findings can be made:

1. That the site is physically suited for the proposed development.

2. That adequate provisions have been made for sewage disposal and handling of solid waste.

3. That the proposed development will have adequate potable water for public use and adequate water for fire protection.

4. That the project complies with all standard and setback requirements and appropriate buffers have been provided for adjacent land uses.

5. That appropriate access is available or is proposed to the development.

6. That the project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or it is determined that the significant effects are unavoidable and acceptable due to overriding concerns.

C. The planning commission shall impose any conditions and/or requirements it finds necessary to guarantee compliance with the findings in this Section. (Ord. 704 Sec.1, 1988).

Chapter 17.92

GENERAL COMMERCIAL ZONE-2, (CG-2)

Sections:

- 17.92.010 Purpose and intent.
- 17.92.020 Development standards for CG-2.
- 17.92.030 Minimum setback standards.
- 17.92.040 Design criteria.
- 17.92.050 Phasing of the project.
- 17.92.060 Procedures for approval for a CG-2 PLAN.
- 17.92.070 Granting of permits.

17.92.010 Purpose and intent.

The General Commercial Zone-2, hereinafter referred to as CG-2 zone is designed to provide for a variety of unique general commercial activities of a retail or service nature which are prohibited in the CG-1 zone. (Ord. 704 Sec.1, 1988).

17.92.020 Development standards for CG-2.

Development standards for the CG-2 zone shall be as follows:

A. **Location:** This zone shall be located on, or easily accessible to state highways and designated primary county roads, i.e. collector and arterial roads as specified on the current official county road map, as amended from time to time. (Ord. 704 Sec.1, 1988).

B. **Uses:**

1. **Permitted Uses:**

- a. Dismantling yards, or areas for the storage of automobiles;
- b. Storage or handling of explosive or other hazardous materials;
- c. Bulk storage of and/or sale of gasoline, propane or similar petroleum products;
- d. Billboards or other types of outdoor advertising devices;
- e. Outdoor storage areas of materials, supplies or equipment which is greater in area than the total enclosed floor area of the principal structure utilized;
- f. Light manufacturing, compounding, assembly or treatment uses;
- g. Commercial riding stables, corrals, or barns;
- h. Hospitals, nursing homes, long-term care facilities;
- i. Golf courses;
- j. Recreation vehicle (RV) parks;
- k. Campgrounds;
- l. Helicopter pads;

2. **Accessory uses:** Same as CG-1, Section 17.88.020(B) (2).

3. **Conditional uses:** None.

4. **Prohibited uses:** All other uses not listed above are prohibited.

C. **Minimum parcel or lot sizes:** No parcel of real property shall be divided or split into two (2) or more parcels or lots by voluntary transfer, court action or other conveyance where any one (1) of the parcels or lots so created will be less than forty (40) acres or a legal quarter-quarter section in gross area. A minimum parcel shall be referred to as "PARK". In no case shall any individual sub-parcel within the PARK, either for an individual; private use, or as a common ownership area, be less than one (1) acre in area.

D. **Density:** One (1) single family residence per forty (40) acres or a legal quarter-quarter section in gross area. The density contained herein shall remain unchanged regardless of whether or not the PARK is subdivided in sub-parcels as permitted by this Title. (Ord. 704 Sec.1, 1988).

17.92.030 Minimum setback standard.

The setback standards and parking or development within the setbacks for the CG-2 zone shall be as specified for the CG-1 zone listed in Section 17.88.030 of this Title. (Ord. 704 Sec.1, 1988).

17.92.040 Design criteria.

The design criteria for the CG-2 zone shall be as specified for the CG-1 zone listed in Section 17.88.040 of this Title. (Ord. 704 Sec.1, 1988).

17.92.050 Phasing of the project.

Project phasing permitted in the CG-2 zone shall be as specified for the CG-1 zone listed in Section 17.88.050 of this Title. (Ord. 704 Sec.1, 1988).

17.92.060 Procedures for approval for a CG-2 PLAN.

Procedures for establishing a CG-2 zone shall be as specified for the CG-1 zone listed in Section 17.88.060 of this Title. (Ord. 704 Sec.1, 1988).

17.92.070 Granting of permits.

Granting of permits for CG-2 zone shall be as specified for the CG-1 zone listed in Section 17.88.070 of this Title. (Ord. 704 Sec.1, 1988).

Chapter 17.96

RESORT COMMERCIAL ZONE, (CR)

Sections:

- 17.96.010 Purpose and intent.
- 17.96.020 Development standards for CR.
- 17.96.030 Minimum setback standards.
- 17.96.040 Design criteria.
- 17.96.050 Special use standards.

17.96.010 Purpose and intent.

The Resort Commercial Zone, hereinafter referred to as CR zone is intended to provide locations for highway-related and tourist services. Standards will require that traffic will not unnecessarily be impeded by such locations and a broad range of services will be available. (Ord. 704 Sec.1, 1988).

17.96.020 Development standards for CR.

Development standards for the CR zone shall be as follows:

A. **Location:** This zone shall be located on, or easily accessible to state highways and designated primary county roads, i.e. collector and arterial roads as specified on the current official county road map, as amended from time to time.

B. **Uses:**

1. **Permitted Uses:** The following uses shall be permitted within any CR zone:

- a. Motels, hotels and lodges;
- b. Restaurants and cocktail lounges;
- c. Guest ranches, health resorts, hunting and fishing clubs;
- d. Facilities for special group activities such as archery, pistol and rifle ranges, skeet clubs, tennis clubs, golf course, and riding stables;
- e. Campgrounds and recreational vehicle parks subject to the special use standards specified in Section 17.96.050;
- f. One (1) single family residence per business if the residence is an integral part of the structure which houses the business, and if the residence is occupied by the owner or operator of the business. However, no more than one (1) residence per subparcel is allowed.

2. **Accessory Uses:** Accessory uses such as service stations, swimming pools, small general store services, and other uses normally appurtenant to a permitted use, i.e. clubhouses.

3. **Conditional Uses:** None.

4. **Prohibited Uses:** All other uses not listed above are prohibited.

C. **Minimum parcel or lot sizes:** Parcels shall have a minimum size of two and one-half (2 1/2) acres (exclusive of

easement) if the domestic water system and the sewage disposal system is to be developed on parcel.

1. If a domestic water system or a community sewage disposal system is to be developed, then one (1) acre parcels (exclusive of easements) may be approved providing the average slope does not exceed fifteen percent (15%). The burden is upon the applicant to show that such system meets the laws and standards of the state and county.

2. If both a domestic water system or a community sewage disposal system is to be developed, then parcels of nine thousand (9,000) square feet (exclusive of easements) may be approved providing the average slope does not exceed fifteen percent (15%). The burden is upon the applicant to show that such system meets the laws and standards of the state and county. (Ord. 704 Sec.1, 1988).

17.96.030 Minimum setback standards.

The minimum setback standards for the CR zone shall be the same as those listed in Section 17.108.130.A, but notwithstanding anything to the contrary, there shall be a minimum setback standard of fifty (50) feet from any property line that abuts a residential zone. There shall be no parking, campsites or recreational vehicle sites within the setback area. (Ord. 753 Sec.3, 1989).

17.96.040 Design criteria.

The design criteria for the CR zone shall be as specified for the CG-1 zone listed in Section 17.88.040 of this Title. (Ord. 704 Sec.1, 1988).

17.96.050 Special Use Standards.

A. Campgrounds:

1. No more than ten (10) campsites, not including operator or employee quarters, may be established per acre or forty-three thousand five hundred sixty (43,560) square feet of gross land area.

2. For purposes of this section, campsite shall mean a site utilized for camping and shall not mean the parking and occupancy of mobile homes, or motor homes, or travel trailers.

3. A campground may be operated in conjunction with any permitted use provided that the site or area upon which the use is located, and parking area for the use, shall be deducted from the gross site area for purposes of calculating campsite density.

4. Restrooms, showers, laundries, clubhouses and similar service facilities reserved exclusively for the use of campsite patrons shall not be subject to site area restrictions for purpose of calculating campsite density.

5. At a minimum, restroom facilities shall be provided in accordance with the provisions of the Health and Safety Code, and the Housing and Community Development Codes.

6. The minimum site area for a campground shall be five (5) acres in town planning areas without adopted specific

plans and ten (10) acres in a rural area. (Ord. 704 Sec.1, 1988).

7. The minimum setback for a campground shall be fifty (50) feet from all property lines. The minimum setback from the centerline of a dedicated public right-of-way shall be one hundred (100) feet. There shall be no parking, campsites, or recreational vehicle sites within the setback area. (Ord. 753 Sec.4(part), 1989).

B. Recreational vehicle parks:

1. No more than seven (7) recreational vehicle sites, not including management, operator or employee quarters, may be established per acre or 43,560 square feet of gross land area. Individual recreational vehicle spaces shall be a minimum of twenty (20) feet wide and seven hundred fifty (750) square feet in area.

2. For purposes of this Section, recreational vehicle parking site shall mean an area utilized for temporary occupancy by RVs of not more than thirty (30) days in any sixty (60) consecutive day period by an individual or group of individuals. A parking site shall not be utilized for the storage of recreational vehicles, motor homes or travel trailers. The park owner shall insure compliance with these occupancy requirements.

3. A recreational vehicle park may be operated in conjunction with any permitted use provided that the site or area upon which the use is located, and parking area for the use, shall be deducted from the net site area for purposes of calculating park site density.

4. At a minimum, restroom facilities shall be provided in accordance with the provisions of the Health and Safety Code, and the Housing and Community Development Codes.

5. The width and improvement of roads and driveways within an RV park is to be as follows:

a. **One way:** Eighteen (18) feet wide if road serves sixty (60) spaces or more; fifteen (15) feet if road serves less than sixty (60) spaces; twelve (12) feet for one-way internal road between campsite clusters without individual space access.

b. **Two-way divided:** Fifteen (15) feet wide on each side of divider.

c. **Two-way:** Twenty-four (24) feet wide.

d. **Parking:** There shall be a minimum of two (2) parking spaces per campsite and two (2) parking spaces per recreational vehicle site plus the parking necessary for the recreational vehicle. Parking along internal roadways is allowed only when a paved parking lane, eight (8) feet wide is provided in addition to the roadway.

e. **Road improvement standard:** Two (2) inches of A.C. plant mix over two (2) inches of Class II aggregate base or equivalent structural section based on a traffic index of 4. An oil or other dust cap may be substituted for the two (2) inches of A.C. subject to approval by the county engineer.

6. The minimum site area for a recreational vehicle park shall be five (5) acres in town planning areas without

adopted specific plans and ten (10) acres in a rural area.
(Ord. 704 Sec.1, 1988).

7. The minimum setback for a campground shall be fifty (50) feet from all property lines. The minimum setback from the centerline of a dedicated public right-of-way shall be one hundred (100) feet. There shall be no parking, campsites, or recreational vehicle sites within the setback area. (Ord. 753 Sec.4(part), 1989).

Chapter 17.100

LIGHT MANUFACTURING AND INDUSTRIAL ZONE (M-1)

Sections:

- 17.100.010 Purpose and intent.
- 17.100.020 Development standards for M-1.
- 17.100.030 Minimum setback standard.
- 17.100.040 Design criteria.
- 17.100.050 Phasing of the project.
- 17.100.060 Procedures for approval for a M-1 PLAN.
- 17.100.070 Granting of permits.

17.100.010 Purpose and Intent.

The Light Manufacturing and Industrial Zone-1, hereinafter referred to as M-1 zone is designed to provide area for light industrial development that can be established in close proximity to commercial and residential development. (Ord. 704 Sec.1, 1988).

17.100.020 Development standards for M-1.

Development standards for the M-1 zone shall be as follows:

A. **Location:** This zone shall be located on, or easily accessible to state highways and designated primary county roads, i.e. collector and arterial roads as specified on the current official county road map, as amended from time to time.

B. **Uses:**

1. **Permitted Uses:**

- a. Automotive; assembly, repair, and painting;
- b. Boat and boating equipment manufacturing and repair;
- c. Ceramic products;
- d. Sign manufacturing;
- e. Electrical parts and components, manufacture and assembly;
- f. Engine rebuilding and assembly;
- g. Gas and electrical fixture manufacture assembly;
- h. Cabinet and carpentry shops;
- i. Machine shops and sheet metal shops excluding drop hammers and foundries;
- j. Paint shops;
- k. Manufacturing, compounding, processing, and packaging of bakery goods; candy; cosmetics; health foods; pharmaceuticals;
- l. Assembly of articles or merchandise from the following previously prepared materials: canvas; cellophane; glass; plaster; plastics or synthetics;
- m. Radio, television and other communication equipment storage, assembly, repair, and wholesale;
- n. Rubber and metal stamps;
- o. Shoes and other footwear manufacturing;

p. Other similar manufacturing, processing, treatment or assembly activities as determined by the Planning Commission;

- q. Bottling plants;
- r. Creameries;
- s. Laboratories;
- t. Cleaning, laundry and dyeing plants;
- u. Tire retreading and recapping;
- v. Fabrication of products from finished rubber;
- w. Assembly of electric and electronic equip-

ment;

- x. Wholesaling and warehousing;
- y. Printing and publishing;
- z. Lumber and wood product manufacturing or processing except planing mills and sawmills;
- aa. Contractors equipment yard;
- bb. Public utility facilities and maintenance yards and other public facilities.

2. **Accessory Uses:** Research and development facilities and all accessory uses listed in CG-1, Section 17.88.020(B)(2).

3. **Conditional uses:** None.

4. **Prohibited uses:** All other uses not listed above are prohibited.

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

In no case shall any individual sub-parcel within the PARK, either for an individual's private use, or as a common ownership area, be less than six thousand (6,000) square feet in area.

D. **Density:** One (1) single family residence per twenty (20) acres or one-half of a legal quarter-quarter section in gross area. The density contained herein shall remain unchanged regardless of whether or not the PARK is subdivided in sub-parcels as permitted by this Title. (Ord. 704 Sec.1, 1988).

17.100.030 Minimum setback standards.

The setback standards and parking or development within the setbacks for the M-1 zone shall be as specified for the CG-1 zone listed in Section 17.88.030 of this Title. (Ord. 704 Sec.1, 1988).

17.100.040 Design criteria.

The design criteria for the M-1 zone shall be as specified for the CG-1 zone listed in Section 17.88.040 of this Title. (Ord. 704 Sec.1, 1988).

17.100.050 Phasing of the project.

Project phasing in the M-1 zone shall be as specified for the CG-1 zone listed in Section 17.88.050 of this Title. (Ord. 704 Sec.1, 1988).

17.100.060 Procedures for approval for an M-1 PLAN.

The procedures for establishing an M-1 zone shall be as specified for the CG-1 zone listed in Section 17.88.060 of this Title. (Ord. 704 Sec.1, 1988).

17.100.070 Granting of permits.

Granting of permits for an M-1 zone shall be as specified for the CG-1 zone listed in Section 17.88.070 of this Title. (Ord. 704 Sec.1, 1988).

Chapter 17.104

HEAVY MANUFACTURING AND INDUSTRIAL ZONE (M-2)

Sections:

- 17.104.010 Purpose and intent.
- 17.104.020 Development standards for M-2.
- 17.104.030 Minimum setback standards.
- 17.104.040 Design criteria.
- 17.104.050 Phasing of the project.
- 17.104.060 Procedures for approval for an M-1 PLAN.
- 17.104.070 Granting of permits.

17.104.010 Purpose and intent.

The Heavy Manufacturing and Industrial Zone-2, hereinafter referred to as M-2 zone is designed to provide for a variety of unique general industrial activities which are not allowed in the M-1 zone. (Ord. 704 Sec.1, 1988).

17.104.020 Development standards for M-2.

Development standards for the M-2 zone shall be as follows:

- A. **Location:** This zone shall be located on, or easily accessible to state highways and designated primary county roads, i.e. collector and arterial roads as specified on the current official county road map, as amended from time to time.
- B. **Uses:**
 - 1. **Permitted uses:**
 - a. All M-1 uses shall be allowed in the M-2 zone;
 - b. Bulk storage and/or sale of gasoline, propane or similar petroleum products;
 - c. Junkyards or areas for the storage of inoperable automobiles;
 - d. Billboards or other types of outdoor advertising devices;
 - e. Airports, helicopter pads and other types of aircraft landing areas;
 - f. Food product processing;
 - g. Fruit and vegetable packing;
 - h. Concrete or asphalt batch plants, sand and gravel plants, rock crushing or stamp mills or similar uses which generate dust and noise and are conducted principally outside of a building or enclosed structure;
 - i. Smelting; blast, cupola or metal furnace, coke ovens;
 - j. Dehydrators;
 - k. Distillation of bone, dog or cat food factory, fat rendering fish cannery, garbage, abattoir, dead animal disposal or reduction;
 - l. Incineration, reduction or dumping of offal, garbage or refuse disposal (except solid waste collection sites);
 - m. Refining of petroleum products;

n. Rolling mill;
o. Salt works;
p. Sand blasting (when conducted outside a building or structure);
q. Soap works;
r. Tanning or wood distillation;
s. Manufacture of acetylene gas, ammonia, asbestos, asphalt or explosive.

2. **Accessory uses:** Research and development facilities and all accessory uses listed in CG-1, Section 17.88.020(B)(2).

3. **Conditional uses:** None.

4. **Prohibited uses:** All other uses not listed above are prohibited.

C. **Minimum parcel or lot sizes:** No parcel of real property shall be divided or split into two (2) or more parcels or lots by voluntary transfer, court action or other conveyance where any one (1) of the parcels or lots so created will be less than forty (40) acres or a legal quarter-quarter section in gross area.

In no case shall any individual sub-parcel within the PARK, either for an individual's private use, or as a common ownership area, be less than one (1) acre in area.

D. **Density:** One (1) single family residence per forty (40) acres or a legal quarter-quarter section in gross area. The density contained herein shall remain unchanged regardless of whether or not the PARK is subdivided in sub-parcels as permitted by this Title. (Ord. 704 Sec.1, 1988).

17.104.030 Minimum setback standard.

The setback standards and parking or development within the setbacks for the M-2 zone shall be as specified for the CG-1 zone listed in Section 17.88.030 of this Title. (Ord. 704 Sec.1, 1988).

17.104.040 Design criteria.

The design criteria for the M-2 zone shall be as specified for the CG-1 zone listed in Section 17.88.040 of this Title. (Ord. 704 Sec.1, 1988).

17.104.050 Phasing of the project.

Project phasing in the M-2 zone shall be as specified for the CG-1 zone listed in Section 17.88.050 of this Title. (Ord. 704 Sec.1, 1988).

17.104.060 Procedures for approval for an M-2 PLAN.

Procedures for establishing an M-2 zone shall be as specified for the CG-1 zone listed in Section 17.88.060 of this Title. (Ord. 704 Sec.1, 1988).

17.104.070 Granting of permits.

Granting of permits for an M-2 zone shall be as specified for the CG-1 zone listed in Section 17.88.070 of this Title. (Ord. 704 Sec.1, 1988).

Chapter 17.108

SUPPLEMENTARY STANDARDS

Sections:

- 17.108.010 Purpose and intent.
- 17.108.020 Effect of regulations.
- 17.108.030 Similar uses.
- 17.108.040 Minimum parcel or lot size standards.
- 17.108.050 Density standards.
- 17.108.060 General use standards.
- 17.108.070 Home enterprises.
- 17.108.080 Rural home industry.
- 17.108.090 Mobile home parks.
- 17.108.100 Planned or cluster residential development and preservation of open space.
- 17.108.110 Mineral or construction material processing site standards.
- 17.108.120 Off street parking.
- 17.108.130 Structure location.
- 17.108.140 Structure height.
- 17.108.150 Secondary residences.
- 17.108.160 Nursing care facilities.
- 17.108.170 Day care facilities.
- 17.108.180 Bed and breakfast and residential transient rentals.
- 17.108.190 Signs

17.108.010 Purpose and intent.

The purpose of this Chapter is to establish supplementary standards for land uses. (Ord. 704 Sec.1, 1988).

17.108.020 Effect of regulations.

Unless otherwise provided within any zone, the following regulations shall apply in all areas of Mariposa County. (Ord. 704 Sec.1, 1988).

17.108.030 Similar uses.

Upon proper findings, the planning director may determine that uses similar to those enumerated in any zone and consistent with the purpose and extent of this Title shall be permitted in that zone as stated in Section 17.08.120. (Ord. 704 Sec.1, 1988).

17.108.040 Minimum parcel or lot size standards.

Minimum parcel or lot size shall apply to all proposals or actions which will result in the creation of a parcel or lot, or the modification of the dimensions or land area of a parcel or lot.

A. The minimum parcel or lot size set forth in a zone description shall not preclude the requirement for larger parcel or lot sizes on proposals resulting in the creation or modification of a parcel or lot where the planning commission or board of supervisors determines that larger acreages are necessary due to terrain or unique site considerations, standards contained in the Mariposa County general plan or such other applicable provisions

of county code or state law.

B. In a proposal to modify the boundaries of one or more parcels or lots where one or more of these parcels or lots do not meet minimum parcel or lot size standards of the applicable zone, the planning commission may approve such boundary modifications provided such modifications will result in the improvement of the circumstances and/or design of both parcels or lots. Under no other circumstances can a boundary modification proposal be approved wherein such modification will result in the creation of a substandard parcel or lot.

C. No variance shall be granted, under any circumstances, for reducing the minimum parcel or lot size. (Ord. 704 Sec.1, 1988).

D. The minimum parcel or lot size set forth in a zone district shall not apply to parcels conveyed to a special district, public utility, or private utilities such as a mutual water company for utility purposes provided an enforceable restriction approved by the County is recorded on the parcel which restricts the use of the property to utility distribution facilities, sewage systems, well sites, and utility storage buildings less than one hundred forty-four (144) square feet. Such restrictions must remain effective in perpetuity. Notwithstanding the provisions of this section, the minimum parcel or lot size of the designated zone district shall apply to all non-utility parcels created by such conveyances. (Ord. 800 Sec.III, 1991)

17.108.050 Density standards.

Unless specifically prohibited by a principal zone, the density standards contained in a zone description does not restrict the construction of at least one (1) single family unit on a legal existing parcel of land, even though that parcel does not contain the minimum acreage required in the land use category density standard. A parcel of land containing more than the minimum acreage called for in the density standard of an applicable zone shall allow construction of one (1) residential unit for each multiple of the minimum density allowed by the zone (e.g. a fifteen (15) acre parcel, in the five (5) acre minimum "MH" zone may have three (3) residential units on the parcel). (Ord. 704 Sec.1, 1988).

17.108.060 General use standards.

In addition to the permitted uses specified within the zones of this Title, the following land uses shall be permitted:

A. Agricultural uses, including but not limited to animal husbandry, livestock grazing, the production of crops, horticulture, viticulture, silviculture, sale of agricultural products, and accessory uses and structures appurtenant to the agricultural use, subject to the following standards:

1. The provisions of this section shall not be applicable in the AE zone and in town planning areas with specific land use policies and zoning regulations developed in accordance with section 17.12.010(a).

2. The agricultural use shall not be conducted in such a manner as to constitute a nuisance, public or private.

3. Notwithstanding anything to the contrary contained

herein, no existing or future agricultural activity, operation, or facility or appurtenances thereof, conducted or maintained for commercial purposes, in a manner consistent with proper and accepted customs, standards, and practices and with all chapters of the Mariposa County Code as established and followed by similar agricultural uses, shall be or become a nuisance, public or private, pursuant to this section or chapter 18.04 of County Code, after the same has been in operation for more than one year if it was not a nuisance at the time it began. The provisions of this section shall not apply whenever a nuisance results from agricultural operations inconsistent with accepted practices and standards or contrary to local, state, or federal ordinances, laws, and regulations.

4. In any enforcement action to determine if an agricultural use is a nuisance, public or private, the burden shall be upon the landowner, tenant, or person in possession or control of the land upon which the agricultural use is located to provide evidence to the planning director of the date of commencement of the agricultural use and the characteristics of the use at the date of commencement. (Ord. 888 Exh."B" 1995)

B. The on-site harvesting and sale of firewood.

C. Utilities, including but not limited to, receiving, transmission, and distribution lines, towers and poles. Substations may be considered subject to the use permit determination process specified in Chapter 17.116 of this Title.

D. Public schools, parks and other public facilities such as fire departments are permitted uses in the RR, MH, MT, MG, GF, MP, and AE zones.

E. Portable sawmills and portable planing mills for the milling and planing of timber harvested on-site.

F. Accessory buildings or structures.

G. Loading and unloading facilities.

H. On-site parking. (Ord. 704 Sec.1, 1988).

I. Private schools for twelve (12) or fewer students and conducted in a residential structure shall be a permitted use in the RR, MH, MT, MG, GF, MP, and AE zones subject to the standards contained in section 17.108.170. (Ord. 816 Sec.III, 1991)

17.108.070 Home enterprises.

Home enterprises on a parcel of land shall be considered as a permitted use in the RR, MH, MT, MG, GF, MP, and AE land use classifications, subject to the following:

A. On site sales shall be limited to the sale of products fabricated or produced on site or merchandise that is sold as a secondary enterprise and is related to the primary enterprise;

B. The on-site use has no more than one (1) employee per acre up to twenty (20) employees. The use shall be operated by the owner of the business who shall reside on the property on a permanent basis; (Ord. 879 Sec.1, 1994)

C. The use and its principal activities are conducted primarily within structures or dwellings;

1. No outdoor storage and no more than ten percent (10%) of the total business activity is conducted outside;

2. The exterior use and any supporting activities or facilities are located at least fifty (50) feet from all external property lines, streets, roads, or other public right-of-ways;

D. Bed and breakfast and residential transient rental establishments, as regulated by Section 17.108.180 of this Title. (Ord. 704 Sec.1, 1988).

E. "Business owner" shall mean a person who controls a fifty percent (50%) or more ownership in the business or corporation operating said business, or if no one party controls fifty percent (50%) or more of the business, the person who controls the greatest percentage of ownership in the business or corporation operating said business. (Ord. 879 Sec.2, 1994).

F. "Property" shall mean that property which is contiguous to and under the same ownership as the parcel on which the business is located. If a portion of the property is sold or transferred, the home enterprise/rural home industry shall comply with these standards upon and after transfer of the property. (Ord. 879 Sec.2, 1994).

17.108.080 Rural home industry.

Rural home industry is a permitted use in the same zones as listed in home enterprise above except RR. These are trades or industries of a limited character, which are not detrimental to the district or to the adjoining residential areas, by reason of appearance, noise, dust, smoke, or odor. Excludes any use the normal operation of which causes objectionable noise, odor, dust, or smoke to be emitted, radiated, or carried beyond the boundaries of the property on which the operation is located. Rural home industries are also subject to the same standards specified for a home enterprise in Section 17.108.070, with the following exceptions and additional conditions:

A. If a parcel has both a home enterprise and a rural home industry, an aggregate of no more than one (1) employee per acre up to twenty (20) employees is permitted.

B. Storage of supplies or materials may take place outside of a structure or dwelling provided such storage is not visible from external property lines, streets, roads or other public right-of-way fronting on the property or site.

C. The use and all supporting activities or facilities are located at least fifty (50) feet from all external property lines, streets, roads, or other public right-of-ways.

D. Junk yards, wrecking yards and/or dismantling yards and solid waste sites, are prohibited uses in zones wherein rural home industry is allowed. "Junk yards", "wrecking yards" and "dismantling yards" in this Section means a place of more than two hundred (200) square feet in size per parcel used for the storage or keeping of junk, including scrap metals or other scrap materials, and/or for the dismantling or wrecking of automobiles or other vehicles or machinery. "Junk" means any worn-out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered, or unchanged, and without further reconditioning, can be used for its purpose readily as or when new shall not be considered junk. (Ord. 704 Sec.1, 1988).

17.108.090 Mobile home parks.

The same standards as listed in Section 17.108.100 below, shall apply except mobile home parks located in TPAs with adopted

specific plans are subject to all standards contained in the specific plan of that community. Mobile home parks shall be allowed in all residential zones, i.e. RR and MH. (Ord. 704 Sec.1, 1988).

17.108.100 Planned or cluster residential development and preservation of open space.

Planned residential developments and cluster residential subdivisions are subject to the requirements of this Section. The purpose of a cluster development is to permit a procedure for development which will result in improved living conditions, promote economic subdivision layout, encourage a variety of housing types, encourage ingenuity in site and subdivision design, preserve open space, and promote development of adequate public services and utilities.

A. Planned or cluster residential development proposals may be allowed in RR and MH zones. Planned or cluster residential development proposals shall be considered a prohibited use in all other zones. Nothing in this provision shall be interpreted to preclude construction of clustered or multiple family residences in any zone as provided in Section 17.108.050.

B. A planned or cluster residential development shall include, but not be limited to multi-family or apartment units, common wall, condominium, mobile home or detached residential unit subdivisions, and mobile home parks.

C. Prior to obtaining any construction permits, the planned residential development shall be approved by the planning commission ~~and board of supervisors~~. An application on a form approved by the county, together with a proposed planned residential development, hereinafter referred to as a PRD, must be filed with the planning department. Prior to approval of a PRD, the planning commission ~~and board of supervisors~~ shall conduct public hearings as described in Chapter 17.132 of this Title.

D. A proposed PRD shall be filed with the planning department and shall contain the following information:

1. A text and a diagram or diagrams which specify all the following in detail:

a. The distribution, location, and extent of the uses of land, including open space, within the area covered by the proposal.

b. The proposed distribution, location, extent and intensity of major components of public and private transportation, sewerage, water, drainage, solid waste disposal, energy, signage, and other essential facilities proposed to be located within the area covered by the proposal and needed to support the land uses described in the proposal.

c. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

d. A program of implementation measures including programs, public works projects, and financing measures necessary to carry out items a, b and c above.

2. The proposal shall include a statement of the relationship of the proposal to the general plan.

~~contained in Section 17.84.020 of this Title.~~ Filing fees,

determinations of completeness, and interpretations shall also be in accordance with Chapter 17.08 of this Title.

E. A PRD shall be adopted by resolution ~~or by ordinance~~ and shall be amended as often as deemed necessary by the planning commission and the board of supervisors.

F. No PRD shall be adopted or amended unless the proposed project is consistent with the Mariposa County general plan.

G. Approval or disapproval and resubmission of a PRD shall be made pursuant to Sections 17.08.100 and 17.08.110 of this Title.

H. The setback standards for a PRD shall be as specified in Section 17.108.130 of this Title. These standards are minimum and may be greater.

I. The design criteria for a PRD shall be as specified in Section 17.88.040(A) and (B), of this Title. Parking shall conform to the multi-family requirements contained in "Urban Planning and Design Criteria" (UPC) by Joseph DeChiara and Lee Copelman, as amended from time-to-time. No parking area shall have more than six (6) spaces which adjoin each other without intervening landscaping.

J. Project phasing shall be permitted in a PRD and shall conform to the requirements of Section 17.88.050 of this Title.

K. The granting of an approval for a PRD shall follow the procedures set forth in Section ~~17.88.070~~ 17.108.100.M of this Title.

L. A PRD shall be subject to the following standards:

1. A minimum lot size of less than two and one-half (2 1/2) acres shall be approved only when community water is provided. A minimum lot size of less than one (1) acre in gross area shall be granted only when both a community water and community sewer system are provided.

2. Minimum common open space required in MH zones shall be sixty percent (60%) of the project site, and forty percent (40%) of the project area in RR zones.

3. Density determinations shall be based on the number of allowable residential units permitted by the zone. A density bonus of up to one hundred percent (100%) may be approved where both community water and sewer service is available or proposed. The density bonus shall also be subject to the water and sewer capacity of the community water and sewer systems, physical site characteristics, and availability of adequate public roads and fire protection services.

4. If a density bonus is allowed pursuant to this Section then notwithstanding anything to the contrary contained in this Title, no secondary residences shall be permitted in addition to the density bonus.

5. The open space shall not be developed with structural uses other than agriculture or recreational accessory buildings. The open space may be used for any of the following: crop production or range land; historic, archaeological, or wildlife preserves; water storage or recharge; leach field or spray disposal area; scenic areas; protection from hazardous areas; public outdoor recreation; or, other similar open space use.

6. The required open space is to be maintained as open space as long as the clustered lots exist.

M. The planning commission, ~~shall recommend and the board of supervisors prior to approving~~ a PRD, where must find that all the following findings can be made:

1. It shall promote the preservation of open space and the protection of areas exhibiting development constraints.

2. It shall support or accomplish the goals and objectives of the Mariposa County general plan housing element.

3. It shall result in improving the residential environment of the area through the provisions of better public roads, fire protection, water and sanitation facilities. (Ord. 704 Sec.1, 1988).

4. All findings specified in Section 17.112.040.

17.108.110 Mineral or construction material processing site standards.

Minimum setback required: Processing may not be established on a site that is less than five hundred (500) feet from an adjacent property line unless otherwise approved under the provisions of a conditional use permit. Minimum setback requirements may be waived by the planning commission where a processing plant is located within either an MPZ or an AEZ. The planning commission shall require written notification of contiguous property owner prior to waiving any setback requirements as provided above. Nothing in this Section should be construed to be in conflict with the applicable surface mining regulations of Federal and state law or county ordinance. (Ord. 704 Sec.1, 1988).

17.108.120 Off street parking.

At the time of the issuance of a building permit for any new building and/or structure or renovation or remodeling of an existing building or structure, or at such time that a higher usage is applied to a building or structure, there shall be provisions for minimum off street parking with adequate provisions for safe ingress and egress. Except for parking for residences, all such parking areas shall be surfaced with a minimum of two (2) inches of crushed rock. The parking area shall thereafter be maintained in connection with such building or structure and use of land. The minimum requirements for off street parking are as follows:

A. Two (2) parking spaces per residential unit.

B. One (1) parking space per three hundred (300) square feet of retail space.

C. One (1) parking space per one thousand (1,000) square feet of wholesale space.

D. In addition to the minimum parking spaces required in Subsections (B) and (C) above, one (1) parking space shall be provided for each employee. For purposes of this Section an owner of a business shall be considered an employee.

E. Each parking space shall consist of a minimum area of ten (10) feet by twenty (20) feet usable parking area.

F. Parking not covered by the above standards shall be subject to the provisions of Section 17.88.040(C). The minimum parking spaces as described in Subsections (B) and (C) above may be increased by order of the planning commission if, after a hearing, the planning commission determines that actual use of the site in question demands additional parking spaces.

The parking regulations as specified herein shall apply in all zones except CG-1, CG-2, CR, M-1 and M-2. (Ord. 704 Sec.1, 1988).

17.108.130 Structure location.

Unless otherwise prescribed, the following setback standards shall apply to all buildings with roof area exceeding one hundred twenty (120) square feet, all structures except as permitted by Subsection D, and all uses set forth in Subsection E. Additions to existing buildings, structures, or uses set forth in Subsection E, where such building, structure, or use encroaches into a setback area, shall not be closer to the property boundary than one-half (1/2) the width of the set back requirement or closer to the property boundary than any part of the existing building, structure, or use, whichever constitutes the lesser encroachment.

A. Public street and front yard setback: The front yard setback shall be a minimum of twenty-five (25) feet from the nearest point on the front property line or edge of any public street, public easement, or easement or right-of-way offered for dedication, and a minimum of fifty-five (55) feet from the center line of said street, easement or right-of-way.

B. Side yard setback: The side yard setback shall be a minimum of twenty-five (25) feet or ten percent (10%) of the lot width, whichever is less, from a side property line or parcel boundary line. For the purposes of this section, the lot width shall be the average distance between the side property lines as measured through the building envelope.

C. Rear yard setback: The rear yard setback shall be a minimum of twenty-five (25) feet or ten percent (10%) of the lot depth, whichever is less, from a rear property line or parcel boundary line. For the purposes of this section, the lot depth shall be the average distance between the rear property line and the front property line as measured through the building envelope.

D. Uses permitted in setback areas: The following uses shall be permitted in all setback areas:

1. Wells, highway and traffic signs, signs, rural mail boxes, fences, gates, propane tanks, uncovered walkways, driveways, and underground utilities and appurtenant above-ground structures

2. Livestock loading structures can be located within the front setback of a parcel of land in the AEZs, MPZs, IMZs and GFZs, and may be located in the front setback of other land use zones, subject to planning department review and approval.

3. Garages, carports, sheltered parking, and covered walkways may be constructed in front yards areas providing:

(a) The subject site is above four thousand (4,000) feet in elevation;

(b) Carports shall have no enclosing walls higher than three (3) feet above ground level;

(c) Garages may be considered providing sight distance standards are satisfied, and the location is approved by the road division of the public works department. A variance to these standards shall not be approved;

(d) The structure is located no closer than five

(5) feet from the property line or the edge of the street easement or right of way offered for dedication;

(e) The structure is for the exclusive use of the property owner or resident for the purpose of vehicular parking, and/or pedestrian access.

E. Uses prohibited in setback areas: The following uses shall be prohibited in the setback areas:

1. Septic systems unless approved through the variance process.
2. Stables or pens used for the raising or keeping of small animals.
3. Covered walkways except as permitted by Section 17.108.130(D)(3).

F. Projections in Setback Areas: Architectural projections including eaves, canopies, and balconies; deck and porch overhangs; and signs attached to a building shall not project more than three (3) feet into a required setback area. (Ord. 862 Sec.I, 1993; Ord. 744 Sec. 1, 1989; Ord. 704 Sec.1, 1988).

17.108.140 Structure height.

The purpose of the following Section is to limit the height of structures as needed to: support public safety; protect access to natural light, ventilation, and direct sunlight; support the preservation of neighborhood character; and to preserve viewsheds and scenic vistas.

A. Maximum height restricted: In any land use district, no building or structure shall be erected, placed or structurally altered to a height in excess of thirty-five (35) vertical feet above natural grade except as provided in Section 17.108.140(B).

B. Exceptions: The following shall be excepted from the structure height regulations of all land use districts, except that such height shall not exceed those permitted in the airport district:

1. Chimneys and flues.
2. Accessory farm buildings, but not to exceed sixty (60) feet in height.
3. In town planning areas without adopted specific plans, and all commercial and industrial zones, exceptions for permitted and approved commercial uses may be granted by the planning commission through the use permit determination process specified in Chapter 17.116.
4. Also subject to the approval of the planning commission through the use permit determination process, cooling towers, elevators, fire towers, monuments, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, and mechanical appurtenances over forty-five (45) feet in height from ground level.
5. Height restrictions shall not apply to broadcasting towers, aeriels, t.v. antennas, windmills, or utility transmission and distribution poles and towers.
6. The maximum height of any structure may be increased by not more than ten (10) feet, providing all required offsets and setbacks are increased by one (1) foot for each foot which such building exceeds the height limit of the land use district in which it is located, and the structure complies with all applicable fire code requirements.

C. **Measurement:** For purposes of determining height limits, natural grade shall be calculated from the uphill side of a building or structural boundary and shall be utilized as described on Appendix "A" attached hereto. (Ord. 704 Sec.1, 1988).

17.108.150 Secondary residences.

Specific density standards of this element notwithstanding, one (1) secondary residence shall be permitted on an established parcel of land in all zones except commercial and industrial (except as specified in Section 17.108.100(L)(4), of the county provided that the residence conforms to all health, safety, setback, zoning and applicable building code requirements. (Ord. 704 Sec.1, 1988).

17.108.160 Nursing care facilities.

Nursing and personal care shall be a permitted use in all zones in which residential uses are permitted when six (6) or fewer persons are provided twenty-four (24) hour care in a single family residence. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

A. Play areas for children must be fenced to prevent uncontrolled access to and from the site.

B. The facility shall conform to all other residential site design standards. (Ord. 704 Sec.1, 1988).

17.108.170 Day care facilities.

Preschool, child day care, and adult day care facilities for twelve (12) or fewer persons shall be a permitted use in any zone in which residential uses are permitted. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

A. All outdoor play areas shall be enclosed with fencing a minimum of four (4) feet high, provided that such fencing is to be solid and a minimum of six (6) feet in height on any property line abutting a residential use on an adjoining lot.

B. In addition to the parking normally required for the residence an off-street drop-off area shall be provided with the capability to accommodate at least two (2) cars. (Ord. 704 Sec.1, 1988).

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 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 (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.
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

division, 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. (Ord. 740 Sec.1, 1989).

17.108.190 Signs.

The intent of these regulations is to reduce the proliferation of signs to maintain the scenic quality of the County's transportation corridors and to generally preserve the rural appearance of the county.

The purpose of this section is to establish specific standards for the location, installation, construction or modification of signs. These standards shall apply in all instances except as modified by specific sign standards contained in this title or other standards adopted pursuant thereto.

A. A temporary or permanent on-site sign or signs with maximum aggregate area of 16 sq. ft. and containing no outline tubing, flashing lights or moving parts shall be a permitted use on all parcels. Such signs shall have a maximum height of 20 feet. Off-site signs are prohibited unless specifically permitted by the principal zone.

B. A sign or signs, which convey specific information as described herein, shall be a permitted use on all parcels within the county, including parcels within town planning areas with or without adopted specific plans, notwithstanding anything to the contrary contained in any regulatory language in any Specific Plan, existing or adopted in the future. Such signs shall include, but not be limited to, outline tubing signs, however such signs shall contain no flashing lights or moving parts. Such signs shall be limited to a maximum aggregate area of 3 sq. ft. per business, which shall be in addition to the sign area permitted by this title or by other specific sign standards adopted pursuant thereto. An additional 3 sq. ft of informational signage, in accordance with the standards contained herein, may be approved for businesses which have a second public entrance, provided that no more than 3 sq. ft. of informational signage is visible from any location on any public right-of-way. Such signs shall be installed inside a building, and shall be limited to the following information:

1. OPEN, or CLOSED
2. VACANCY, or NO VACANCY
3. HOURS OF OPERATION

Such signs shall not advertise the business or contain the business logo or trademark, and shall not advertise or identify products sold within or services provided by the business.

C. All signs which do not conform with the standards of this title shall be considered non-conforming and shall be permitted to remain on a parcel for a period of 15 years from May 1, 1991 or until such sign becomes an illegal sign or is subject to any of the following conditions:

1. The sign is remodeled beyond a change in facial copy or relocated.

2. The property owner requests permission to expand, remodel or enlarge the building or land use on the parcel containing the sign and the sign is affected by the construction.

D. Unless otherwise prohibited by this chapter, signs may be illuminated provided such illumination does not shine light upon a public street or on to an adjacent parcel or in any way create a public safety hazard. No sign shall be illuminated after 11:00 p.m. or close of business, whichever occurs last, or prior to 6:00 a.m.

E. The following exterior signs shall be prohibited:

Moving or rotating signs; sign with flashing, moving, or animated illumination except signs which display time and temperature information; advertising signs that include the words "Stop, Look, Listen" or any word, phrase, symbol, lights, motion, sound, fumes, mist, or other effluent that may interfere with, mislead, or confuse the driving public; portable signs except for temporary real estate signs which advertise the particular property; signs on inflatable advertising devices when the device is attached or secured to the ground or building and signs extending above the peak of the roof.

F. Illegal signs, as defined by this title, shall be considered a zoning violation and a public nuisance and subject to the abatement procedures established in Section 17.144 of this title. (Ord. 889 Sec.I, 1995; Ord. 878 Sec.I, 1994; Ord. 800 Sec. I, 1991).

Chapter 17.112

CONDITIONAL USE PERMITS

Sections:

- 17.112.010 Purpose and issuance.
- 17.112.020 Form of application.
- 17.112.030 Public hearing required.
- 17.112.040 ~~Granting of permits~~ Findings of approval.
- 17.112.050 Conditional use permit revisions.
- 17.112.060 Modification of use.

17.112.010 Purpose and issuance.

The purpose of the conditional use permit, ~~also referred to as a "conditional use permit,"~~ is to allow the proper integration of uses into the community, which may be suitable only in specific locations in a zone, or only if such uses are designed or arranged on the site in a particular manner.

Conditional use permits may be issued, as provided in the Chapter, for any of the uses or purposes for which such permits are required or permitted by the terms of this Title, upon conditions designated by the planning commission.

The planning commission, may approve, deny, or conditionally approve an application for a conditional use permit.

The planning commission may impose such conditions as it deems necessary to secure the purposes of this Title and may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, and time limits for the conditional use permit, as it deems necessary, for the protection of the property owners and the public interest, and may require tangible guarantees or evidence that such conditions are being, or will be complied with. (Ord. 704 Sec.1, 1988).

17.112.020 Form of application.

Application for a conditional use permit shall be made in writing by the owners of the property or by a lessee, purchaser in escrow or optionee with the consent of the owners, on a form prescribed by the county. The application shall be accompanied by a fee, as set by the board of supervisors, and plans showing the details of the proposed use.

No application shall be deemed complete until environmental review process has been completed, in accordance with the Mariposa County environmental review policies and procedures.

The planning commission shall not be required to conduct a hearing to reject an application which does not conform to the requirements of this Title. (Ord. 704 Sec.1, 1988).

17.112.030 Public Hearing Required.

A public hearing in accordance with the provisions of Chapter 17.132, will be required on any application for a conditional use permit prior to action being taken by the planning commission to approve, deny, or conditionally approve the application. (Ord. 704 Sec.1, 1988).

17.112.040 Granting of permits. Findings of approval.

~~In considering the application, the planning commission shall give due regard to the nature and condition of all adjacent properties, uses, and structures, and to the general and specific plan for the area affected by the proposed use.~~

~~The planning commission shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county.~~

~~If the planning commission finds that the aforementioned conditions will not result from the particular use applied for and the use is consistent with the Mariposa County general plan and any applicable specific plan, it shall grant the use permit.~~

In evaluating a proposed project, the planning commission, prior to approving shall approve a conditional use permit, must find that all providing the following findings can be made:

- A. That adequate open space is being provided;
- B. That the site is physically suited for the proposed development;
- C. That adequate provisions have been made for sewage disposal and handling of solid waste;
- D. That the proposed development will have adequate potable water for public use and fire protection;
- E. That the project complies with all standard and special setback requirements and appropriate buffers have been provided for adjacent land uses;
- F. That appropriate access is available or is proposed to the development;
- G. That the proposed use is consistent with the policies and standards of the general plan and any applicable specific plan;
- H. That the project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns.

I. That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county.

The planning commission shall impose any conditions and/or requirements it finds necessary to guarantee compliance with the findings in this Section. (Ord. 704 Sec.1, 1988).

17.112.050 Conditional use permit revisions.

The planning ~~commission~~ Director may approve one or more revisions to an approved conditional use permit provided such revision does not result in a cumulative an expansion of more

than ten percent (10%) of the original site or use area or such revision, other than expansion, is deemed necessary and desirable for the best utilization of a site, and such revision will not result in creating a potential public nuisance or health and safety problem, will not create impacts which were not addressed by the original environmental determination for the project, and/or will not change the original intent of the conditional use permit. (Ord. 704 Sec.1, 1988). Notice of an approved conditional use permit revision shall be the same as specified by Section 17.08.120.D. of this Title.

17.112.060 Modification of use.

The planning department Director may approve one (1) or more modifications of use on an approved conditional use permit when it is determined that the proposed use is substantially similar to the originally approved use and that the proposed use will not ~~cannot be reasonably expected to~~ create a public nuisance or health and safety problem, and that the proposed use will not create impacts which were not addressed by the original environmental determination for the project. (Ord. 704 Sec.1, 1988). Notice of an approved conditional use permit modification of use shall be the same as specified by Section 17.08.120.D. of this Title.

Chapter 17.116

USE PERMIT DETERMINATIONS

Sections:

- 17.116.010 Purpose and issuance.
- 17.116.020 Form of application.
- 17.116.030 Public hearing required.
- 17.116.040 Granting of approvals.
- 17.116.050 Planning commission disapproval.

17.116.010 Purpose and issuance.

The purpose of the use permit determination is to allow the proper integration of uses into a TPA without an adopted specific plan, which may be suitable only in specific locations, or only if such uses are designed or arranged on the site in a particular manner. The intent is to permit and control uses which have the potential to be socially, economically, or environmentally incompatible with a surrounding area. (Ord. 704 Sec.1, 1988).

17.116.020 Form of application.

Application for a use permit determination shall be made in writing by the owners of the property or by a lessee, purchaser in escrow or optionee with the consent of the owners, on a form prescribed by the county. The application shall be accompanied by a fee, as set by the board of supervisors. Plans showing the details of the proposed use shall also be submitted and shall include at a minimum the information specified by Section 17.08.150. (Ord. 704 Sec.1, 1988).

17.116.030 Public hearing required.

A public hearing in accordance with the provisions of Chapter 17.132 of this Title, will be required on any application for a use permit determination prior to action being taken by the planning commission. However, notice shall only be given to property owners owning land contiguous to the proposed use. Notice shall also be posted on the affected property not less than fourteen (14) days prior to the public hearing and shall state the nature of the proposed use and the date and location of the public hearing. (Ord. 704 Sec.1, 1988).

17.116.040 Granting of approvals.

In considering an application, the planning commission shall give due regard to the nature and condition of adjacent properties, uses, and structures, and to the area affected by the proposed use.

The planning commission shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibrations, involving explo-

sives or dangerous materials, or which might constitute a public or private nuisance.

If the planning commission finds, based upon factual evidence adduced at the hearing that the aforementioned conditions will not be objectionable and will not create a private or public nuisance based upon the above criteria, it shall grant approval. (Ord. 704 Sec.1, 1988).

17.116.050 Planning commission disapproval.

If the planning commission is unable to make the required findings, the proposed use shall be subject to the provisions of the conditional use permit process specified in Chapter 17.112 of this Title. (Ord. 704 Sec.1, 1988).

Chapter 17.120

VARIANCES

Sections:

- 17.120.010 Purpose.
- 17.120.020 Form of application.
- 17.120.030 Hearing and notice required.
- 17.120.040 Investigations of facts of application.
- 17.120.050 Necessary findings and conditions.
- 17.120.060 Decisions.

17.120.010 Purpose.

The purpose of a variance is to allow variation from the strict application of the standards of this Title, where it is found that practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Title, would occur by its implementation. The planning commission, on its own motion or through proper application by the public, may initiate proceedings for issuance of variances.

~~All acts of the planning commission and board of supervisors under the provisions of this Chapter, shall be considered administrative acts performed for the purpose of assuring that the intent and purpose of this Title shall apply in special cases, as provided in this Chapter, and shall not be construed as amendments to the provisions of this Title.~~

No variance shall be granted which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property. (Ord. 704 Sec.1, 1988).

17.120.020 Form of application.

Application for a variance shall be made in writing by a property owner or by a lessee, purchaser in escrow, or optionee with the consent of the owners, on a form and in a manner as prescribed by the county. The application shall be accompanied by a fee, as set by the board of supervisors, for the variance. (Ord. 704 Sec.1, 1988).

17.120.030 Hearing and notice required.

~~Upon receipt of an application for a variance, the planning commission shall set a date for a public hearing on such application; such hearing shall be held within forty five (45) days after the filing of the application.~~

Notice of such a public hearing shall be given as set forth in Chapter 17.132 of this Title; however, notification of surrounding property owners shall be as follows: ~~three hundred (300) feet in town planning areas and six hundred (600) feet in all other areas.~~ (Ord. 704 Sec.1, 1988).

17.120.040 Investigations of facts of application.

The planning commission and/or its staff shall investigate the application and obtain all necessary information to assure that any action on a variance application is consistent with the intent and purpose of this Chapter, and with previous action concerning variances. (Ord. 704 Sec.1, 1988).

17.120.050 Necessary findings and conditions.

Before a variance may be granted, it shall be shown that:

A. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the conditions applicable to the property involved, or to the intend use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

B. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the property is located;

C. The granting of such variance will not adversely affect the comprehensive general plan. (Ord. 704 Sec.1, 1988).;

D. There are special circumstances applicable to the property in which the strict application of zoning ordinance regulations will deprive the property of privileges enjoyed by other property in the vicinity and under the identical zone;

E. The granting of such variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

F. The Planning Commission shall impose any conditions and/or requirements it finds necessary to guarantee compliance with the findings by this Section.

17.120.060 Decisions.

The planning commission shall render its decision on the variance at the conclusion of the public hearing and ~~record its actions by formal resolution.~~ Such resolution shall recite the findings upon which the planning commission base it decision. (Ord. 704 Sec.1, 1988).

Chapter 17.124

DEVELOPMENT AGREEMENTS

Sections:

- 17.124.010 Purpose.
- 17.124.020 Authority.
- 17.124.030 Limitation.
- 17.124.040 Initiation.
- 17.124.050 Qualification of applicant.
- 17.124.060 Application.
- 17.124.070 Fees.
- 17.124.080 Withdrawal of application.
- 17.124.090 Form of agreement.
- 17.124.100 Review of application.
- 17.124.110 Transmittal to the planning commission--Public hearing.
- 17.124.120 Report of the planning commission.
- 17.124.130 Hearing by the board of supervisors.
- 17.124.140 Approval of development agreement.
- 17.124.150 Required notice for public hearing.
- 17.124.160 Initiation of amendment or cancellation.
- 17.124.170 Recordation.
- 17.124.180 Agreement file.
- 17.124.190 Periodic review.
- 17.124.200 Procedure for periodic review.
- 17.124.210 Hearing by board of supervisors--Modification or termination following periodic review.

17.124.010 Purpose.

This article is adopted for the purpose of providing a means of processing development permits which give a development project proponent reasonable assurance that a project can be carried out to its conclusion and the county of Mariposa can be assured that all reasonable on-site or off-site improvements and other conditions of project approval are constructed or carried out to the satisfaction of the county. (Ord. 704 Sec.1, 1988).

17.124.020 Authority.

This article is adopted pursuant to the California Government Code Sections 65864 through 65869.5, as amended from time to time. (Ord. 704 Sec.1, 1988).

17.124.030 Limitation.

Unless otherwise expressed in this code, the provisions in this article are the exclusive procedures and rules relating to development agreements. In the event of conflict, these provisions shall prevail over any other provisions in this code. (Ord. 704 Sec.1, 1988).

17.124.040 Initiation.

A development agreement may be initiated by:

A. An application of one or more qualified applicants as defined in Section 17.124.050;

B. By resolution of intention of the board of supervisors;

C. By resolution of intention of the planning commission, with approval of the board of supervisors. (Ord. 704 Sec.1, 1988).

17.124.050 Qualification of applicant.

Only a qualified applicant or his authorized agent may file an application pursuant to this article. A qualified applicant is a person who (which) has a legal or an equitable interest in the real property which is the subject of the development agreement. Such interest must be such that the applicant has or will have control of the use of the property during the proposed term of the agreement. The planning department may require an applicant to submit proof of his (its) interest in the real property and of the authority of the agent, if any, designated to act for the applicant. The planning department may require an applicant or agent to submit a title report from a reputable title insurance company or other evidence to verify the legal or equitable interest of the applicant in the property. (Ord. 704 Sec.1, 1988).

17.124.060 Application.

A. Application for a development agreement shall be made in writing to the planning office on a form prescribed by the planning department.

B. In addition to the information required by sub-section (A) of this Section, the planning department may require a qualified applicant to submit such additional information and supporting data as he considers necessary to process the application. (Ord. 704 Sec.1, 1988).

17.124.070 Fees.

For the purpose of defraying the expense involved in connection with an application, the board of supervisors may establish by resolution a schedule of fees. The schedule of fees shall be available in the planning office and on file in the office of the county clerk. (Ord. 704 Sec.1, 1988).

17.124.080 Withdrawal of application.

An applicant may withdraw an application filed pursuant to this article at any time prior to board action on the application. Any fee required for processing the application shall not be returned or refunded to the applicant. (Ord. 704 Sec.1, 1988).

17.124.090 Form of agreement.

A. The agreement shall contain all the matters required by Government Code Section 65865.2, and such other matters as the board of supervisors determines to be appropriate.

B. The agreement shall be drafted on paper 8 1/2 inches by 11 inches and all attached exhibits shall be of a size to permit recording of the document pursuant to Section 17.124.170.

C. The county counsel shall prepare a standard form of agreement, which when adopted by the board of supervisors, shall be used as the base document for each development agreement. Changes and additions to the standard form shall be made as individual circumstances dictate. An applicant may suggest modification to the standard form. (Ord. 704 Sec.1, 1988).

17.124.100 Review of application.

A. The planning staff shall accept it for filing if it is complete and accurate.

B. The planning staff shall review the application and shall prepare a staff report and recommendation to the planning commission with regard to the proposed agreement.

C. The county counsel shall prepare a draft agreement and forward the same to the planning director. (Ord. 704 Sec.1, 1988).

17.124.110 Transmittal to the planning commission--Public hearing.

The planning department shall transmit the application and the draft agreement to the planning commission for a public hearing when all of the necessary reports and recommendations are complete. Notice of the public hearing shall be given as provided in Section 17.124.150. The application for a development agreement may be considered concurrently with other discretionary permits or approvals for the project. (Ord. 704 Sec.1, 1988).

17.124.120 Report of the planning commission.

After the planning commission has held a public hearing, it shall render its decision in the form of a written report and recommendation to the board of supervisors. The report and recommendation shall include proposed findings on the matters stated in 17.124.130(C). (Ord. 704 Sec.1, 1988).

17.124.130 Hearing by the board of supervisors.

A. Upon receipt of the recommendation and report of the planning commission, the board of supervisors shall hold a public hearing. Notice of the public hearing shall be given as provided in Section 17.124.150.

B. After the board has held a public hearing, it may approve, modify and approve, or disapprove the development agreement. It may, but need not, refer matters not previously considered by the planning commission to the planning commission for a report and recommendation. The planning commission may, but need not, hold a public hearing on matters referred to it by the board.

C. The board shall not approve the development agreement unless it finds that the agreement:

1. Is consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan;

2. Is compatible with the uses authorized in and the regulations prescribed for, the land use zone(s) in which the real property is located;

3. Is in conformity with public convenience, general welfare and good land use practices:

4. Will not be detrimental to the health, safety and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the county as a whole;

5. Will not adversely affect the orderly development or property or the preservation of property values;

6. Is consistent with the provisions of Government Code Sections 65864 through 65869.5.

D. The agreement may provide that the rules, regulations and official policies governing the permitted uses of land, density, design, improvement and construction standards or any one of these, shall be those rules, regulations and official policies in force at the date of execution of the agreement. (Ord. 704 Sec.1, 1988).

17.124.140 Approval of development agreement.

If the board of supervisors approves the development agreement, it shall adopt an ordinance approving the agreement and directing the chairperson of the board to execute the agreement after the effective date of the ordinance. (Ord. 704 Sec.1, 1988).

17.124.150 Required notice for public hearing.

A. Notice of public hearings required by this article shall be given as provided in Sections 65854, 65854.5 and 65856 of the Government Code, in addition to such other notice as may be required ~~for other actions to be considered concurrently with the development agreement.~~ by Section 17.132 of this Title.

B. The notice requirements referred to in sub-section (A) of this Section are as required by the laws existing at the time of adoption of this article (Government Code Sections 65854, 65854.5, 65856 and 65867). If state law is amended to prescribe a different notice requirement, notice shall be given in that manner.

C. The failure of any person to receive notice required by law of any hearing as required by this Section shall not affect the authority of the board to enter into a development agreement. (Ord. 704 Sec.1, 1988).

17.124.160 Initiation of amendment or cancellation.

A. Any party to a development agreement may propose an amendment to or cancellation of the agreement in whole or in part.

B. Except as otherwise provided in this Section and in Section 17.124.200, the procedure for proposing and adopting an amendment to, or a cancellation in whole or in part of, the development agreement shall be the same as the procedure for entering into an agreement in the first instance. However, if the county initiates a proposed amendment to or a cancellation in whole or in part of the agreement, the county shall first give written notice to each party other than the county who executed

the agreement of its intention to initiate such proceedings, not less than thirty (30) days in advance of giving public notice of the hearing to consider such amendment or cancellation.

C. Any amendment to the development agreement which does not relate to the duration of the agreement, permitted uses of the property, density or intensity of use, height or size of proposed buildings, provisions for reservation or dedication of land, or to any conditions, terms, restrictions and requirements relating to subsequent discretionary actions related to design, improvement and construction standards and specification, or any other condition or covenant relating to the use of the property shall not require a noticed public hearing before the parties may execute an amendment to the agreement. (Ord. 704 Sec.1, 1988).

17.124.170 Recordation.

Within ten (10) days after the effective date of a development agreement, or any modification or the cancellation thereof, the clerk of the board shall have the agreement, the modification or the notice of cancellation recorded with the county recorder. (Ord. 704 Sec.1, 1988).

17.124.180 Agreement file.

The clerk of the board shall be the official custodian of the agreement file. Said file shall include an executed copy of the agreement and the originals of all exhibits, reports of periodic review, amendments, modifications or cancellation, to the agreement. (Ord. 704 Sec.1, 1988).

17.124.190 Periodic review.

A. The Planning Director shall not less than once every twelve (12) months from the effective date of the development agreement review the same for compliance with its terms and conditions. If the Planning Director finds that there is not compliance with those terms and conditions the Planning Director shall refer the development agreement to the Planning Commission for review at a public hearing.

A B. The planning commission shall not less than once every ~~twelve (12)~~ thirty-six months from the effective date of the development agreement review the same for compliance with its terms and conditions.

B C. The planning department shall begin the review proceedings by giving notice of the periodic review of the development agreement to each party to the agreement other than the county. He shall give such mailed notice at least ~~fifteen (15)~~ twenty (20) days in advance of the time at which the matter will be considered by the planning commission. (Ord. 704 Sec.1, 1988).

17.124.200 Procedure for periodic review.

A. The planning commission shall conduct a public hearing at which time the party or parties to the agreement, other than the county, must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue shall be upon such party or parties.

B. The planning commission shall determine upon the basis of substantial evidence whether or not, for the period under review, there has been compliance in good faith with the terms and conditions of the agreements.

C. After the public hearing the planning commission shall render its determination in the form of a report to the board of supervisors. If the planning commission determines that there has not been compliance in good faith with the terms and conditions of the agreement, the commission may include in its report a recommendation for the modification or termination of the agreement. (Ord. 704 Sec.1, 1988).

17.124.210 Hearing by board of supervisors--Modification or termination following periodic review.

A. The board shall place the report of the commission on its agenda at the second regularly scheduled board meeting following the planning commission meeting at which the report was made.

B. If the planning commission reports that there has been compliance in good faith with the terms and conditions of the agreement for the period under review, the board shall accept the report for filing and shall not take any further action unless:

1. The board, on its own motion, votes to set the matter for hearing; or

2. An appeal is filed from the determination of the planning commission.

C. If the planning commission reports that there has not been compliance in good faith with the terms and conditions of the agreement for the period under review, the board shall hold a public hearing to consider the report and recommendation of the commission.

D. Whenever the commission report is scheduled for hearing, notice of such hearing shall be given, as provided in Section 17.124.150. Such notice shall provide:

1. The time and place of the public hearing;

2. A statement that the planning commission has or has not determined that there has not been compliance in good faith with the terms and conditions of the agreement for the period under review;

3. A statement that the board of supervisors may terminate or modify the agreement at the conclusion of the hearing.

E. At the conclusion of the public hearing, the board may refer the matter to the planning commission for a further report and recommendation, or it may make a final determination on whether or not there has been compliance in good faith with the terms and conditions of the agreement. If the board finds and determines, on the basis of substantial evidence, that there has not been compliance in good faith with the terms and conditions of the review, the board may terminate the agreement or the board may modify the agreement and impose those conditions which it considers necessary and appropriate to protect the interests of the county. Any court action or proceeding to attack, review, set aside, void or annul the final determination by the board

shall be commenced within sixty (60) days from the date upon which a final determination is made, as set forth in Section 17.124.190. (Ord. 704 Sec.1, 1988).

Chapter 17.128

AMENDMENTS

Sections:

- 17.128.010 Purpose and intent.
- 17.128.020 Initiation of action.
- 17.128.030 Planning commission hearing.
- 17.128.040 Planning commission recommendation.
- 17.128.050 Board of supervisors hearing.
- 17.128.060 Abandonment of proceedings.
- 17.128.070 Concurrent proceedings.

17.128.010 Purpose and intent.

The provisions of this Title or the general plan or zoning classifications on individual parcels, may be amended in accordance with this Chapter whenever the public interest requires such amendment. (Ord. 704 Sec.1, 1988).

17.128.020 Initiation of action.

An amendment to ~~the~~ this Title, or the general plan or zoning classifications on individual parcels, may be initiated by:

A. The verified petition of one or more owners of property affected by the proposed amendment, such petition shall be filed with the planning department as an application in compliance with requirements established by the county, and accompanied by a fee as prescribed by the board of supervisors; or

B. A resolution of intention by the board of supervisors;
or

C. A resolution of intention by the planning commission.
(Ord. 704 Sec.1, 1988).

17.128.030 Planning commission hearing.

The planning commission shall hold a public hearing on any proposed amendment to this Title or the general plan or zoning classifications on individual parcels after giving the public notice required by Section 17.132 this Title, provided that if the amendment does not affect the permitted uses nor the intensity of uses of real property, Section 17.132.020A and D shall not apply. The purpose of the hearing shall be to receive testimony from parties interested in the proposed amendment, consider the recommendations of the planning director, and adopt a recommendation and submit this recommendation to the board of supervisors. The public hearing on a proposed amendment may be continued from time to time, provided that such hearing shall be completed and a recommendation adopted within sixty (60) days of the first noticed date of public hearing. (Ord. 704 Sec.1, 1988).

17.128.040 Planning commission recommendation.

After the public hearing, the planning commission shall submit a written recommendation to the board of supervisors on the proposed amendment, setting forth the reasons for the recommendation and findings on the matters stated in Section 17.128.050C. ~~the relationship of the proposed amendment to affected general and specific plans.~~ (Ord. 704 Sec.1, 1988).

17.128.050 Board of supervisors hearing.

A. Upon receipt of the recommendation of the planning commission, the board of supervisors shall hold a public hearing after giving notice in the manner specified by ~~this Title Section 17.128.030.~~

B. The board of supervisors may approve, modify or disapprove the recommendation of the planning commission, provided that any modification of a proposed amendment by the board of supervisors not previously considered by the planning commission shall first be referred to the planning commission for report and recommendation. The planning commission is ~~not~~ required to hold a public hearing on such referral. Failure by the planning commission to report within ninety (90) days after the referral shall be deemed approval of the proposed modification to the amendment. (Ord. 704 Sec.1, 1988).

C. The Board shall not approve the amendment unless it finds:

1. That such an amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare;

2. That such an 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;

3. That such an amendment conforms to the requirements of State law and County policy;

4. That such an amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan;

5. In the case of an amendment to the zoning classification on an individual parcel or General Plan Land Use Map,

a. the subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development; and

b. The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

17.128.060 Abandonment of Proceedings.

Subsequent to the initiation of an amendment and prior to its enactment by the board of supervisors, the amendment proceedings may be terminated in the following ways:

A. Any petition for an amendment may be withdrawn upon written application to the planning commission by a majority of the petitioners;

B. The board of supervisors or the planning commission, as the case may be, may by resolution abandon proceedings for an amendment initiated by its own resolution of intention, provided that such abandonment may be made only when the matter is before such body for consideration, and provided that any hearing of which public notice has been given shall have been held. (Ord. 704 Sec.1, 1988).

17.128.070 Concurrent proceedings.

Any amendment to the Title, which requires an amendment to the Mariposa County general plan, may be heard concurrently with the general plan amendment hearings provided that all requirements of both amendment procedures are complied with and provided that action on any general plan amendment is taken prior to action being taken on the amendment to this Title. (Ord. 704 Sec.1, 1988).

CHAPTER 17.132

PUBLIC HEARINGS

Sections:

- 17.132.010 Public hearing required.
- 17.132.020 Public notification.
- 17.132.030 Notification contents.
- 17.132.040 Public hearing--Rules of conduct.
- 17.132.050 Burden of proof.

17.132.010 Public hearing required.

Public hearings before the Mariposa County board of supervisors and planning commission shall be conducted in a manner and in accordance with the procedures set forth in this chapter, unless otherwise provided in this title. (Ord. 704 Sec.1, 1988).

17.132.020 Public notification.

All public hearings shall be noticed in accordance with this chapter and section 65090 et seq. of the Government Code. The standards established by this chapter are minimum standards and shall be expanded if required by State law. (Ord. 800 Sec.IV, 1991)

A. The current assessment roll of Mariposa County shall be used to identify owners of property surrounding and including ~~within one thousand (1,000) feet of the project site parcel~~ boundaries. Notice shall be mailed or delivered to those individuals as listed on the current assessment roll. **Note-** 1. Notice shall be mailed or delivered to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.

2. Noticing requirements for the CG-1, CG-2, CR, M-1 and M-2 zones shall be twenty-five hundred (2,500) feet of from the project site parcel boundaries. Mailed notice for variances shall be provided in accordance with section 17.120.030 of this title. (Ord. 800 Sec.IV, 1991)

3. B. For purposes of mailed notice within any town planning areas as described in chapter 17.12 property owners within five shall be three hundred (500) (300) feet of from a property line or project parcel boundary, as prescribed above, shall be notified. (Ord. 704 Sec.1, 1988)

4. Notice for all other areas shall be 600 feet from the project parcel boundaries.

5. If the number of owners to whom notice would be mailed or delivered pursuant to this Section is greater than 1,000, in lieu of mailed or delivered notice, notice may be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the county at least 10 days prior to the hearing. The notice shall appear during two separate weeks.

~~C.B. In addition to any mailed notice, a A notice shall be published in a newspaper of general circulation within the~~

county at least once. (Ord. 800 Sec.IV, 1991)

C. The Planning Department shall have a copy of the notice of the time and place of the hearing posted in not less than three(3) public places at least ten (10) days before the date set for the hearing. At least one of these notices shall be posted in the affected neighborhood or community. The Planning Department shall maintain a list of sites where notice in neighborhoods or communities will be posted.

D. Notice for amendments pursuant to Chapter 17.128 of this Title which affect the permitted uses or intensity of uses of real property shall be mailed or delivered to each local agency expected to provide water, sewage, streets, road, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

DE. All notifications shall be mailed ~~or~~ at least twenty (20) days prior to the scheduled hearing date, and published at least ~~fourteen (14)~~ ten (10) days prior to the scheduled hearing date.

EF. Failure of a property owner of record to receive a mailed notice shall not invalidate any hearing conducted in accordance with this title. (Ord. 704 Sec.1, 1988).

17.132.030 Notification contents.

All mailed or published notices shall contain the following information:

A. A general description of the type, description and location of the project;

B. The location where initial studies, staff reports, and any other relevant information on the proposed project may be reviewed;

C. The actions to be taken with respect to the proposed project;

D. The anticipated closing date of the public review and comment period;

E. The date, time, and location of the public hearing on the proposed action, and name of the body before which the matter is to be heard;

F. Options an affected property owner may have with respect to the proposed project, including comments and appeal rights;

G. The rules of procedures of a public hearing will be included in the mail notices. (Ord. 704 Sec.1, 1988).

17.132.040 Public hearing--Rules of conduct.

All public hearings shall be conducted as follows:

A. All public hearings conducted in accordance with the provisions of this title shall follow such rules of proceedings as prescribed by state law, local code, and adopted policy of the board of supervisors as amended from time to time;

B. Any decision resulting from a matter heard in accordance with this chapter, shall be rendered in the form of a resolution or ordinance at the conclusion of the public hearing;

C. No decision shall be considered rendered until such

resolution, as described above, is formally adopted by the body before which the matter is heard;

D. A public hearing may be continued from time to time by the hearing body and shall not require re-notification provided that at the time the hearing is continued, a time, date, and place is set for the continued hearing. (Ord. 704 Sec.1, 1988).

17.132.050 Burden of proof.

The applicant or petitioner has the burden and shall offer competent evidence in support of their application or petition.

Chapter 17.136

APPEALS

Sections:

- 17.136.010 Appeals generally.
- 17.136.020 Appeals of planning department.
- 17.136.030 Appeals of the planning commission.
- 17.136.040 Public notice and hearing.

17.136.010 Appeals generally.

Decisions of the planning director or planning commission may be appealed by an applicant or aggrieved person in accordance with this Chapter. (Ord. 704 Sec.1, 1988).

17.136.020 Appeals of planning department.

Any determination of the planning ~~department~~ director which is made in accordance with the provisions of this Title may be appealed to the planning commission ~~or the board of supervisors,~~ at the option of the appellant, within twenty (20) days of written determination. All determinations shall be in writing. Any appeal initiated in accordance with this Chapter shall be filed with the secretary of the planning commission ~~if appealed to the planning commission, or the clerk of the board if appealed to the board of supervisors,~~ and accompanied by any fee, as may be required by the board of supervisors' policy, and shall be decided by the planning commission ~~or board of supervisors~~ following a hearing. (Ord. 704 Sec.1, 1988). All appeal decisions by the Planning Commission shall be rendered by formal resolution.

17.136.030 Appeals of the planning commission.

All matter decided by the planning commission in accordance with this Title may be appealed to the Mariposa County board of supervisors within twenty (20) days of ~~written~~ determination. Any appeal initiated in accordance with this Chapter shall be filed with the clerk of the board of supervisors. The board, on its own motion, may review any matter decided by the planning commission in accordance with provisions of this Title. All appeal hearings conducted in accordance with the provisions of this Title shall follow such rules of proceedings as prescribed by state law, local code, and adopted policy of the board of supervisors as amended from time to time. (Ord. 704 Sec.1, 1988). All appeal decisions by the Board of Supervisors shall be rendered by formal resolution.

17.136.040 Public notice and hearing.

An appeal of a determination by the planning ~~department~~ director or planning commission shall be considered at a hearing with notice given to all person directly involved. ~~With an appeal involving a matter requiring a public hearing,~~ Notice shall be provided in accordance with Chapter 17.132 of this Title. (Ord. 704 Sec.1, 1988).

Chapter 17.140

REVOCATIONS

Sections:

- 17.140.010 Conditional use permits and variances declared null and void.
- 17.140.020 Conditional use permits and variances--Extension of time.
- 17.140.030 Conditional use permits and variances--Revocation.
- 17.140.040 Conditional use permits and variances--Conditions of revocation.
- 17.140.050 Conditional use permits and variances--Revocation hearing.
- 17.140.060 Commission action.

17.140.010 Conditional use permits and variances declared null and void.

Any conditional use permit or variance shall be null and void if not used and/or fully implemented within three (3) years from date of approval thereof, unless the approval authority finds and stipulates in its original approval that a different time limit is necessary and not detrimental to the public health, safety and welfare, or an extension of time has been approved. (Ord. 704 Sec.1, 1988).

17.140.020 Conditional use permits and variances--Extension of time.

The ~~planning commission~~ approval authority may approve an one extension of time on a conditional use permit or variance permit approved pursuant to this Title, for up to eighteen (18) additional months, after notice is given in the same manner as the original approval, provided that in no event can the total time allowed for using and/or fully implementing a use permit or variance exceed four and one half (4 1/2) years from original date of approval. (Ord. 704 Sec.1, 1988). if it finds that such extension is necessary and not detrimental to the public health, safety, and welfare.

17.140.030 Conditional use permits and variances--Revocation.

A conditional use permit or variance may be revoked by resolution of the planning commission, if it is found than any or all of the requirements that were imposed as conditions on the conditional use permit or variance has not been met. Such revocation cannot take place until all procedures for public hearings, as stipulated in this Chapter and Chapter 17.132 of this Title have been performed; ~~however, notification of surrounding property owners shall be as follows: three hundred (300) feet in the TPAs and six hundred (600) feet in all other areas.~~ After final determination is made following the public

hearing on such a revocation, the planning commission must develop findings explaining the grounds for revocation and base the revocation on those findings. (Ord. 704 Sec.1, 1988).

17.140.040 Conditional use permits and variances--
Conditions of revocation.

Any conditional use permit or variance may be revoked by the planning commission in the manner hereinafter set forth, if any one of the conditions or terms of such permits are violated, or if any of the following findings are made:

- A. In connection with conditional use permits:
1. The continuance of the use would be substantially detrimental to the health and safety of the persons residing or working in the neighborhood of such uses;
 2. The conditions of the permit are violated;
 3. Activities carried out on the premises for which the permit was granted are or have been in violation of state law or county regulations.
- B. In connection with variances:
1. Continued relief from the strict application of the terms of this Title will be contrary to the public safety and health;
 2. Conditions of the variance are being or have been violated. (Ord. 704 Sec.1, 1988).

17.140.050 Conditional use permits and variances--
Revocation hearing.

Before the planning commission considers revocation of any conditional use permit or variance, a public hearing shall be held on the matter in accordance with the provisions of Chapter 17.132 of this Title. Notice of the hearing shall be provided to the permittee by certified mail ~~at least twenty (20) days prior to the hearing date,~~ at the last known address of the permittee. (Ord. 704 Sec.1, 1988).

17.140.060 Commission action.

At the conclusion of a hearing or revocation, the planning commission shall take action, by resolution, to revoke or modify the permit. (Ord. 704 Sec.1, 1988).

Chapter 17.144

ENFORCEMENT

Sections:

- 17.144.010 Zoning enforcement officer.
- 17.144.020 Duty of zoning enforcement officer.
- 17.144.030 Declaration of public nuisance.
- 17.144.040 Violation constitutes misdemeanor.

17.144.010 Zoning enforcement officer.

The planning director shall act as the zoning enforcement officer of the county and take such actions as necessary to assure fair and equal enforcement of this Title.

The zoning enforcement officer shall be governed by the provisions of this Title and shall be responsible for administering the provisions contained herein.

Any determination of the zoning enforcement officer with respect to compliance with the provisions of this Title may be appealed in accordance with the provisions of Chapter 17.136 of this Title to the planning commission within twenty (20) days of such decision being rendered in accordance with the general appeal provisions contained in Chapter 17.136. (Ord. 704 Sec.1, 1988).

17.144.020 Duty of zoning enforcement officer.

It shall be the duty of the zoning enforcement officer to enforce the provisions of this Title pertaining to the use of land or buildings, and the: erection, construction, reconstruction, moving, alteration, or addition to any building or structures. Any permit or license of any type issued by any department or officer of the county, issued in conflict with the provisions of this Title, shall be null and void. (Ord. 704 Sec.1, 1988).

17.144.030 Declaration of public nuisance.

Upon adoption of this Title, any land, buildings or structures: erected, constructed, altered, enlarged, converted, moved or used contrary to the provisions of this Title, or any failure to comply with the conditions attached to the granting of any development permit, special use permit or variance is hereby declared to be unlawful and a public nuisance. The Planning Commission may, after conducting a noticed public hearing, declare a use located on any parcel within the County a public nuisance. The subject use must be found to be a nuisance which affects at the same time an entire community or neighborhood, or any considerable number of persons. The county counsel, ~~upon order of the board of supervisors,~~ shall commence the necessary action or proceedings for the abatement, removal and enjoining thereof in the manner prescribed by law in the courts which may have jurisdiction to grant such relief as will accomplish such abatement and restraint. The remedies provided for in this

section shall be in addition to any other remedy or remedies or penalties provided in this Title or any other law or ordinance. (Ord. 704 Sec.1, 1988).

17.144.040 Violation constitutes misdemeanor.

Any person, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this Title is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand (\$1000) dollars plus assessments on fines as prescribed by law, and other sections relating thereto, or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment, or pursuant to Section 1.20.020 of the county code, as that Section may be amended from time to time. A separate offense shall have been committed for each and every day during which a violation of any portion of this Title persists.

Notwithstanding anything to the contrary contained herein, no person shall be deemed guilty of a misdemeanor here under until the following has occurred:

A. A written notice of the alleged violation has been given by the zoning enforcement officer as follows:

1. Itemizing the alleged violation or violations by referencing county code;

2. Giving the alleged violator thirty (30) days to conform to county code or to provide a schedule for abatement acceptable to the Planning Director when there is no immediate threat to the public health or safety;

3. Giving the alleged violator a maximum of five (5) days to conform to county code when there is an immediate threat to the public health or safety. The determination as to whether an immediate threat to the public health or safety exists shall be made by the Mariposa County health department. The contents hereof shall not affect any other remedies available to the county or state where an immediate threat to public health or safety exists.

B. The alleged violator shall be entitled to meet with the zoning enforcement officer prior to the expiration of the thirty (30) or five (5) day period to discuss the merits of the alleged violation;

C. Any person receiving a notice of violation may apply to the ~~board of supervisors~~ planning commission for an extension within which to conform to this Title. The ~~board of supervisors~~ planning commission may extend the deadline as required in paragraph (A)(2) & ~~(3)~~ above for a period not to exceed eighteen (18) months from the date of notice of violation;

D. Any person receiving a notice of violation shall have the right to appeal the decision of the zoning enforcement officer in accordance with the provisions of Chapter 17.136 of this Title ~~to the board of supervisors~~. A notice of appeal must be filed with the county clerk pursuant to county appeals procedure on or before twenty (20) days after the final date set for the appellant to conform to this Title. (Ord. 704 Sec.1, 1988).

ZONING ORDINANCE

Sections 17.312.020.A.3, 17.314.020.A.3, 17.316.020.A.3, 17.318.020.A.3, 17.320.020.A.3, 17.322.020.A.3, 17.324.020.A.3 Change to read:

3. Prohibited Uses:

All uses not listed as permitted or conditional shall be prohibited, except similar uses in compliance with Section 17.334.060.

Sections 17.325.020.A.3., 17.326.020.A.3 Change to read:

3. Prohibited Uses:

All uses not listed as permitted or conditional shall be prohibited, except similar uses in compliance with Section 17.334.060.

Section 17.328.030.A Change to read:

- A. Approval of the plan: Applications shall be initiated by the owner or owners of the land. Applications for the establishment of a PUD must include a development plan as described herein. Applications for a subdivision or use permit may be submitted with a PUD application and may be processed, considered, and approved in conjunction with a PUD application. Subdivision and use permit applications considered in conjunction with a PUD application shall be approved by the board of supervisors following review and recommendation by the planning commission. The PUD approval shall be processed in the manner as provided for approval as described herein. Applications and development plans will be reviewed by the planning department prior to submission for review by the planning commission. The planning department's preliminary review shall consist of plan review with the applicant to gain a full understanding of the planned development proposal and environmental review consistent with adopted county policy. The planning commission may approve, disapprove, modify, or attach conditions to a development plan.

Section 17.328.030.B Change to read:

- B. Findings required for approval of a planned development: The planning commission, after a public hearing, may recommend the approval of a planned development, and the board of supervisors, after a public hearing, may by resolution approve a planned development provided they

find that the facts submitted with the application and presented at the public hearings establish that:

1. Each individual unit of the development if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development;
2. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect;
3. Any deviation from Title 16 (Subdivision Ordinance) requirements is warranted by the design and additional amenities incorporated in the development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted; and
4. The principles incorporated in the proposed development plan indicate certain unique or unusual features which could not otherwise be achieved under standard subdivision provisions.

Section 17.328.030.C Change to read:

- C. Principal permitted uses: In a planned development, any use may be permitted provided such uses are generally consistent with the underlying land use classification of the specific plan, or the uses are shown on the development plan for the particular PUD and is approved by the planning commission and board of supervisors. An approved development plan shall be considered an addition to or augmentation of the specific plan.

Section 17.328.030.G Change to read:

- G. Application--Items required. Planned development application shall be accompanied by:
5. A list of names and addresses of property owners with property located within ~~six~~ three hundred feet of the proposed planned development."

Section 17.328.030.K Change to read:

- K. ~~Revision of plan use permit: A public hearing by the planning commission and board of supervisors shall be required prior to issuance of a use permit for revisions of the plan which involve changes in land~~

~~use, expansion or intensification of development, or a revision in the standards of development. All other revisions may be allowed after a use permit is approved by the planning commission. A public hearing may be called regarding such changes if deemed necessary by the planning commission.~~

The planning director may approve one or more revisions to an approved PUD provided such revision:

- i. does not result in a cumulative expansion of more than 10% of the original allowed development or development area;
- ii. does not involve changes in land use;
- iii. does not allow a revision in the standards of development;
- iv. is found to be necessary and desirable for the best utilization of a site;
- v. will not result in or create a potential public nuisance or health and safety problem;
- vi. will not create impacts which were not addressed by the original environmental determination for the project, and;
- vii. does not change the original intent of the PUD.

Section 17.328.030.N Change to read:

N. Development schedule:

1. An application for a PUD shall be accompanied by a development schedule indicating the approximate date when construction of the project can be expected to begin, which date shall be no later than one (1) year from the effective date of the approval of the PUD, the anticipated rate of development, and completion date. The development schedule, if approved ~~by the board of supervisors~~ by the planning commission, shall become a part of the development plan and shall be adhered to by the owner of the property covered by the PUD and his successors in interest. The county shall require the posting of a bond to guarantee reimbursement to the county for court costs and attorney's fees of any civil action brought to enforce any provisions of a PUD. The bond is to be in the amount of five thousand dollars (\$5,000).

Section 17.328.030.P.2 Change to read:

P. Compliance with provisions--interpretation:

2. A planned development may be accepted with applications for minor or major subdivisions and may be processed simultaneously, including staff review, environmental review, and public hearings at the planning commission ~~and board of supervisors.~~

Section 17.328.030.R Change to read:

- R. Report of planning commission--findings and recommendations action:
Following the hearing required by Section 17.328.030.Q, the planning commission shall make a report of its findings and recommendations actions with respect to the proposed planned development and shall file with the board of supervisors a copy of such report. Such report shall include a statement as to whether the proposed planned development is in conformance with the latest adopted specific plan. If the planning commission deems it advisable appropriate, it may recommend require that the area under consideration for a planned development be enlarged or diminished.

Section 17.328.030.S Omit all

- ~~S. Action by the board of supervisors: Upon receipt of such report from the planning commission, the board of supervisors shall schedule the matter for public hearing and publish notice thereof as required in Section 17.328.030(Q). The board of supervisors shall render its decision after consideration of the report and recommendation of the planning commission, public testimony and comments by the applicant, and such decision shall be to deny, conditionally approve, or approve all or part of the proposed planned unit development.~~

Section 17.328.030.T Change lettering to read:

- ~~T. S~~ Abandonment after proceedings have begun: Upon consent ...

Section 17.328.030.U Change lettering to read:

- ~~U. I~~ Site restoration: Security to the satisfaction of county counsel ...

Chapter 17.334 Add to read:

CHAPTER 17.334

SUPPLEMENTARY USE STANDARDS

Sections:

- 17.334.010 Home based occupations.
- 17.334.020 Bed and breakfast and residential transient rentals.
- 17.334.030 Day care and community care facilities.
- 17.334.040 Agricultural uses.
- 17.334.050 Special use provisions for historic structures.
- 17.334.060 Interpretation by the planning director.

Section 17.334.060 Add to read:

17.334.060 Interpretation by the planning director.

- A. Where a proposed land use is not specifically listed as permitted or conditional, the planning director shall review the proposed use when requested to do so in writing and, based upon the characteristics of the use, determine if the use proposed is similar to those permitted or conditionally permitted.
- B. Prior to making a similar use determination, the planning director shall find that such use is similar to the listed use in areas including, but not limited to, intensity, density, traffic, noise and other environmental factors as specified in the County Initial Study checklist items.
- C. Upon a written determination by the planning director that a proposed unlisted use is similar in its nature and intensity to a permitted or conditionally permitted use, the proposed use shall be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what standards affect its establishment.
- D. All planning director determinations shall be noticed in a newspaper of general circulation within the county at least once prior to the end of the appeal period and posted in not less than 3 public places within 24 hours after determination is made and shall remain posted during the length of the appeal period. The planning department shall maintain a list of sites where notice in neighborhoods or communities will be posted.