MARIPOSA COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 89-532

A RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT NO. 89-7, A TEXT AMENDMENT TO THE FISH CAMP SPECIFIC PLAN.

WHEREAS, the Board of Supervisors has initiated a text amendment to the Fish Camp Specific Plan, and

WHEREAS, the Planning Commission has held a public hearing and recommended approval of the amendment to the Board of Supervisors, and

WHEREAS, the Board of Supervisors has held a public hearing and considered all public input regarding the amendment,

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby approves the amendment as presented at the public hearing and contained in Attachment A with the following modifications recommended by the Planning Commission.

1. Section VI A, c (5) The word "shaped" shall be inserted between the words "irregular" and "sign".

2. Section VI A, c (6) The word "lights" shall be inserted between the words "letters" and "characters".

3. Section VI B 6 F (1) The following language contained in the existing Specific Plan shall be inserted in this section: ", except that a commercial sign, advertising a commercial use which does not have frontage on Highway 41, may be allowed subject to approval of a conditional use permit."
4. Section VI B 6 G 2 a: The word thereof is deleted from this section.

5. Section VI B G g 2 (d): The phrase "when the residence is occupied: is replaced by "when the home enterprise is open for business".

6. Section VI B 6 g 3 b: The word "shaped" shall be inserted between the words "irregular" and "sign".

7. Section VI I 6: Section is replaced with the following wording: The Planning Director shall request the Fish Camp Advisory Council to review and make recommendations regarding requested land use determinations.

BE IT FURTHER RESOLVED, that the Board of Supervisors has determined that the amendments are minor in nature and have no potential to create environmental effects that are not already evaluated in the Fish Camp Specific Plan, Environmental Impact Report and the filing of a Notice of Exemption is recommended in accordance with the General Rule 15061(3).

BE IT FINALLY RESOLVED that this action of the Board of Supervisors is based upon the following findings as required by Section VIII B of the Fish Camp Specific Plan.

1. The purpose of the amendment is to clarify and strengthen the policies and standards contained in the Fish Camp Specific Plan, therefore the goals and objectives of the plan will be furthered by this amendment.

2. The amendments to the specific plan have no
potential environmental impacts.

3. The amendments are minor in nature and are intended to clarify and strengthen existing policies and standards. Implementation of these new policies will improve the community as a residential and commercial center and promote orderly growth within Fish Camp.

4. The proposed amendment will have no effect on the densities or land uses specified in the plan and therefore will not have an adverse effect on property values or result in traffic impacts or congestion.

PASSED AND ADOPTED this 17th day of October, 1989 by the following vote:

AYES: Baggett, Erickson, Punte, Radanovich, Taber

NOES: None

ABSTAINED: None

EXCUSED: None

GERTRUDE R. TABER, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

JEFFREY S. GREEN, County Counsel
ATTACHMENT A

FISH CAMP SPECIFIC PLAN

Section VI Land Use Policies and Standards

A. RESORT COMMERCIAL LAND USE CLASSIFICATION

1. Permitted Uses
   a. One single family dwelling unit for each Resort Commercial land parcel, subject to all requirements for the Residential one acre Land Use Classification.
   b. Accessory buildings incidental to permitted uses.

2. Conditional Uses
   a. Motels, hotels, lodges, RV parks and multi-family dwelling units subject to lodging unit density standards (See Section A.3.f. of this Plan) which are of a mountain resort nature and are compatible with the Fish Camp area.
   b. Commercial recreation facilities compatible with the natural environmental setting.
   c. Recreational and sports equipment sales and rentals, provided that all storage of equipment and the conducting of business be within a building.
   d. Restaurants.
   e. Food stores including groceries, delicatessens, bakeries and liquor stores.
   f. Gift and souvenir shops.
   g. Real estate or other professional offices.
   h. Service stations.
   i. Campgrounds.
   j. Other uses of a resort commercial nature, consistent with the above.

3. Resort Commercial Development Standards
   a. Minimum Lot Area

      There is no minimum lot area based upon the type of commercial use, the needed parking areas, loading areas and storage facilities required. In all instances, however, when a commercial lot or parcel is used for residential purposes, minimum lot area shall conform with the residential development standards.

   b. Front, Back and Side Yard Setback Requirements

      Resort commercial lots shall not be required to provide side yard
setbacks except where a Resort Commercial lot abuts a Residential lot. In this instance, the setback of the Resort Commercial lot on the side bordering on a Residential lot shall be 15 feet.

Front setbacks shall be a minimum of 30 feet from the centerline of a community street, or 10 feet from the easement boundary of a State Highway. This setback area shall not be used for off-street parking purposes. All off-street parking in the front of a Resort Commercial structure shall have adequate ingress and egress with respect to the abutting street or highway. Setback areas may be used for such ingress and egress.

Rear yard areas are not required, provided that adequate loading areas can be provided in front yard or side yard areas. Streetside loading and unloading areas shall be discouraged. In the instance where a Resort Commercial lot abuts a parcel which is designated as being located in a Residential land use classification, front and rear yard requirements shall be the same as the abutting parcel standards.

DELETE THE FOLLOWING PARAGRAPH and REPLACE WITH THE FOLLOWING:
All signs erected in the Resort Commercial Land Use Classification shall conform with the General Sign Standards contained in Section VI-E.

   c. Sign Standards

No sign shall be placed, erected, altered or relocated on any property within the Fish Camp Community Planning Area as indicated in the Fish Camp Community Planning Area Specific Plan, unless such sign shall, as to its exterior appearance and location, be compatible with the mountain resort atmosphere of the Fish Camp area, and unless it shall comply with all of the following requirements:

1. Each sign shall be affixed to a building except that where the building is set back from the street, or where a building is not easily visible, then a sign need not be so affixed, but may be located in some other manner as the Planning Commission shall approve.

2. No sign shall project above the eave or parapet line of the building to which it is affixed.

3. No single sign shall exceed thirty-two (32) square feet in area.

4. The aggregate area of all signs of any one business entity shall not exceed ninety-six (96) square feet.

5. The area of an irregular sign shall be the area of the smallest rectangle which can wholly contain the sign.

6. No sign shall contain any flashing, blinking or moving letters, characters or other elements, and the sign itself shall not move.

7. No sign shall contain any lighted outline tubing, INTERNAL LIGHTING OR BE CONSTRUCTED OF PLASTIC.

8. Signs may be spotlighted or floodlighted if the source of such lighting is not visible.

9. NO SIGN ILLUMINATION SHALL BE OF SUCH INTENSITY THAT IS OBJECTIONABLE AND OUT OF CHARACTER WITH SURROUNDING USES AS DETERMINED BY THE
10. Materials used in sign construction:
   a. Signs may be constructed of metal, wood or stone with letters or
designs painted, carved or applied on them.
   b. There shall be no fluorescent or similar light-reflecting paint
used on any signs.
   c. Brackets or standards shall be constructed of wood.
   d. Any material may be substituted for the materials specified in
subsections a. and c. above, provided that it be made to
appear like a specified material.

11. No free standing sign shall extend more than twenty-seven (27) feet
above ground level.

12. Signs placed inside a window for the purpose of attracting
attention to a business shall be considered to be exterior signs and
shall be covered by all standards heretofore described.

13. The provisions of these review standards shall not apply to the
following signs:
   a. Official notices issued by a court or public body or officer, and
notices posted by any public officer in the performance of a
public duty, or any person in giving legal notice, or by any
person or public body in placing signs for safety purposes.
   b. Directional signs not exceeding four (4) square feet in area for
off-street parking and loading facilities, and for public
facilities.
   c. Signs not exceeding four (4) square feet in area pertaining to
the sale, lease or rental of the property on which such signs are
placed.
   d. Temporary political, election, or campaign signs not exceeding
four (4) square feet in area, provided that such signs shall be
removed within two weeks after the election.
   e. Temporary construction signs, not exceeding twenty-four (24)
square feet, identifying a building under construction, or the
contractor or architect therefore, provided that such a sign
shall be removed upon the expiration of six (6) months after its
erection, or upon the completion of the building, whichever event
shall first occur.
   f. Signs proclaiming "OPEN" or "CLOSED" or giving business hours of
business establishments, not to exceed two square feet in area
for each business, and provided that no such sign shall contain
any lighted outline tubing.
   g. Exterior signs giving directions for opening doors, or pointing
out safety hazards such as steps, glass doors, etc.

14. Community information boards not to exceed ninety-six (96) square
feet in area may be located within the Fish Camp Community Planning
Area. Such signs may include a map of the community, the location of
groups and civic organizations such as churches and clubs, and
matched business advertisements, each of which may not exceed two
(2) square feet in area.

d. Off-Street Parking Standards

The following parking space minimum standards shall be applicable to
all areas within the Fish Camp Community Planning Area which carry a Land Use designation:

(1) Motels, Hotels, lodging Houses or other facilities providing sleeping accommodations: One space for each guest room, or for each two beds, whichever is greater.
(2) Offices: One space for each 200 square feet of gross floor area, except for floor area used exclusively for storage or truck loading.
(3) Retail Stores and Service Establishments: One space for each 100 square feet of gross floor area except for floor are used exclusively for storage or truck loading.
(4) Restaurants, Bars, Soda Fountains and Similar Establishments: One space for each 100 square feet of gross floor area plus one space for each three employees.
(5) Outdoor Recreational Facilities: To be determined by the Planning Commission on a case-by-case basis.

e. Height Standards

The vertical distance from the uphill side of a building to the highest point of a building shall not exceed 35 feet above the natural grade line. (Refer to Illustration No.1)

f. Lodging Unit Density Standards

Hotel, Motel, Motorlodge, Recreational Vehicle Parks and Campground densities, including multi-family dwelling units located in the Resort Commercial Land Use Classification will be subject to the following density standards:

(1) One lodging unit (L.U.) shall be permitted for each 5,000 square feet of net lot area.
(2) For purposes of this density standard, "net lot area" shall mean the net area of the lot or parcel, excluding street and road easements, existing dwellings, dwellings groups or other structures and improvements existing on the lot or parcel and intended for future use.
(3) Lodging unit is defined as one standard motel, hotel, or lodge guest room, one camp site, one RV space, or one multi-family dwelling unit.
(4) 15% of the net lot area may be utilized for lodging development. An additional 25% of the net lot area may be utilized for additional development which may include additional parking areas, restaurants, lounge, swimming pools, tennis courts, or other improved recreation facilities or commercial uses in support of the lodging use. The remaining 60% of the net lot area shall be utilized for purposes of open space, unimproved recreation such as hiking and riding trails, picnic areas or other similar uses.

B. RESIDENTIAL LAND USE CLASSIFICATIONS

1. Single Family Residential-1/2 acre Land Use Classification

a. Permitted Uses

(1) One Single family residence per parcel.
(2) Accessory buildings incidental to permitted uses.
b. Conditional Use

(1) Home occupations in conformance with Section VI B6g of this document.
(2) Utility substations designed to serve the adjacent areas.
(3) Neighborhood parks and open space.

C. Minimum Lot Area: One-half acre.

2. Single Family Residential—One acre Land Use Classification

a. Permitted Uses

(1) One single family residence per parcel.
(2) Utility substations designed to serve the adjacent areas.
(3) Neighborhood parks and open space.

b. Conditional Uses

(1) Home occupations in conformance with Section VI B6g of this document.
(2) Utility substations designed to serve the adjacent areas
(3) Neighborhood parks and open space.

c. Minimum Lot Area: One acre.

3. Rural Residential—2 1/2 acre Land Use Classification

a. Permitted Uses

(1) One Single family residence per parcel.
(2) One guest house per parcel.
(3) The raising and maintenance of small livestock, small animals, birds, and/or fowls for the domestic use of the property owner or tenant, provided that none are maintained closer than 100 feet to any residence or allowed to become a public or private nuisance.
(4) One permanently maintained large animal for each one (1) acre of land.
(5) Accessory buildings incidental to permitted uses.

b. Conditional Uses

(1) Home occupations in conformance with Section VI B6g of this document.
(2) Utility substations designed to serve the adjacent areas.
(3) Neighborhood parks and open space.

c. Minimum Lot Area: 2 1/2 acres.

4. Rural Residential—Five acre Land Use Classification

a. Permitted Uses

(1) One single family residence per parcel.
(2) One guest house per parcel.
(3) The raising and maintenance of small livestock, small animals, birds, and/or fowls for the domestic use of the property owner or tenant, provided that none are maintained closer that 100 feet to...
any residence or allowed to become a public or private nuisance.
(4) One permanently maintained large animal for each one (1) acre of
land.
(5) Accessory buildings incidental to permitted uses.

b. Conditional Uses

(1) Home occupations in conformance with Section VI B6g of this
document.
(2) Utility substations designed to serve the adjacent areas.
(3) Neighborhood parks and open space.

c. Minimum Lot Area: Five acres.

5. Multi-Family Residential Land Use Classification

a. Permitted Uses

(1) One single family residence per parcel.
(2) Accessory buildings incidental to permitted uses.

b. Conditional Uses

(1) One multi-family dwelling unit per every 5,500 square feet of lot
area.
(2) Home occupations in conformance with Section VI B6g of this
document.
(3) Utility substations designed to serve the adjacent areas.
(4) Neighborhood parks and open space.

c. Minimum Lot Area: One-half acre.

6. Residential Area General Development Standards

a. Front, Back and Side Yard Setback Requirements

(1) Front Yard Setback Requirements: All structures must be located at
least 50 feet from the centerline of the facing street, or 20 feet
from the front property line, whichever is greater.
(2) Side Yard Setback Requirements: All structures must be located at
least 10 feet from interior side property lines. A side yard on
a corner lot, facing on a street or highway, shall conform to the
same requirements as in the front yard setback on the same lot.
(3) Rear Yard Setback Requirements: All structures must be located at
least 20 feet from the rear property line.

DELETE THIS SECTION AND REPLACE WITH NEW (4).

(4) Sidewalks, walkways, driveways, parking decks and similar
structures shall be allowed within the front yard setback area
subject to approval by the Planning Director and the appropriate
agency with jurisdiction over the fronting road. Such structures
shall be allowed if they are at a similar or lower grade as the
abutting road and the following findings are made: (A) the proposed
structure will not obstruct sight distance for vehicles traveling
along the road and/or vehicles backing into the road; (B) the

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proposed structure will not conflict with identified road widening projects; that approval for all affected utilities has been obtained for any structure encroaching onto a public utility easement.

In no case shall a structure encroach into a road right of way.

ADD NEW (5).

(5) Garages, carports, sheltered parking and covered walkways may be constructed in front yard areas providing:
   (a) The subject site is above four thousand (4000) feet in elevation.
   (b) Garages shall have no enclosing walls higher than three (3) feet above the ground walking or parking surface;
   (c) Garages may be considered providing sight distance standards are satisfied, and the location is approved by the Road Division of Public Works. 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.
   (f) Parking of RVs and motor homes and travel trailers is prohibited in the setback area.

b. Distance Between Buildings and Accessory Uses and Structures

   (1) There shall be a minimum distance of 100 feet between livestock stables, barns, pens or corrals and places of human habitation, schools or parks on adjoining property.
   (2) There shall be a minimum distance of 25 feet between buildings used for residential purposes.
   (3) There shall be a minimum distance of 10 feet between a building used for residential purposes and an accessory building.

c. Fences, Walls and Hedges

   (1) Fences, walls and hedges shall not exceed seven feet in height except that they shall not exceed four feet in height when located within the front yard setback requirement, or within the street side yard setback requirement on a corner lot.
   (2) Fences, walls and hedges located adjacent to a road right-of-way shall be composed of non-hazardous material.

d. Off-Street Parking Requirements

   (1) Single Family Dwelling Units: One off-street parking space shall be provided for every 1,000 square feet of residence, rounded off to the nearest 1,000 square feet, with a minimum of two off-street parking spaces per single family dwelling unit.
   (2) Multi-Family Dwelling Units: Two off-street parking spaces shall be provided for every multi-family dwelling unit.
   (3) All required off-street parking spaces within residential areas

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shall be encouraged to be located as to be easily accessible from
the street and there is snow on the ground.

(4) -- R.V. -- VEHICLES -- MOTOR-HOMES -- MOBILE-HOMES -- TRAVEL-TRAILERS -- CAMPERS
OR CAMP-TRAILERS SHALL NOT BE OCCUPIED OR HOOKED-TO-THE-UTILITIES IN
ANY -- RESIDENTIAL -- ZONE -- FOR -- THE PURPOSE OF RENT, LEASE OR TRANSIENT
HOUSING.

e. Height Standards

The vertical distance from the uphill side of a building shall not
exceed 35 feet above the natural grade line. (See Illustration No. 1)

DELETE AND REPLACE: f. SIGN STANDARDS

f. Sign Standards

(1). ONLY SIGNS OF A NON COMMERCIAL NATURE SHALL BE PERMITTED IN A
RESIDENTIAL LAND USE.
(2). NO SIGN MAY EXCEED TWO (2) SQUARE FEET EXCEPT WHEN A HOME
OCCUPATION, BED & BREAKFAST OR TRANSIENT RENTAL USE HAS BEEN
PERMITTED. ALL SIGNS SHALL COMPLY WITH THE SIGN STANDARDS IN
SECT. VI.B 6.g.3.

g. Home Occupation Standards Requirements

(1). Prior to the establishment of a Home Occupation activity a notice
of intent to establish such an activity shall be filed with the
Mariposa County Planning Department. An application form and fee
established -- in -- accordance-- with -- the -- County -- Resolution -- No.
------------- Thereafter, the Planning Department shall post a
notice of proposed activity on the subject property in a conspicuous
manner for a period of not less than fifteen (15) days and a copy of
such notice shall be mailed to all property owners within 300 feet
of the exterior property lines of the parcel containing the proposed
activity.

The filing of a petition with the Planning Department on a County
approved form signed by fifty percent (50%) of the property owners
within 300 feet of the exterior property lines of the parcel
containing the proposed activity protesting such application within
twenty (20) days after such notice has been mailed shall require the
proposed activity to obtain a conditional use permit.

In the absence of such a petition (as described above), the Planning
Department shall issue a notice of approval to the applicant
providing that all requirements as set forth herein have been
satisfied.

(2). Land Use Provisions:
This shall mean a use which is customarily carried on within a
dwelling by the inhabitants thereof, which use is clearly incidental
and secondary to the residential use of the dwelling and which use:
a. Is confined completely within the dwelling and occupies not more
that THIRTY-THREE (33) percent of the gross area-of-one-floor
thereof. HABITABLE AREA OF THE RESIDENCE.
b. The activity is operated only by the individual or family
occupying the dwelling.
c. HOME OCCUPATION SHALL HAVE TWO (2) ON-SITE PARKING SPACES FOR THE

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RESIDENCE PLUS AT TWO (2) ADDITIONAL ON-SITE PARKING SPACES FOR TYPES-OF OCCUPATION ACTIVITIES THAT QUOTES-THE--PUBLIC--TO TRANSACT--ON-SITE--BUSINESS GENERATE ADDITIONAL PARKING DEMAND AS DETERMINED BY THE PLANNING DIRECTOR.

e. ON-SITE PARKING SPACES PROVIDED SHALL BE MAINTAINED SO THAT THEY ARE ACCESSIBLE AND USABLE AT ALL TIMES DURING THE YEAR, WHEN THE RESIDENCE IS OCCUPIED.


e. ANY ADDITION, MODIFICATION OR EXTENSION TO A HOME OCCUPATION DWELLING SHALL BE IN CONFORMITY TO THE ORIGINAL STRUCTURE AND IN CHARACTER WITH THE ENVIRONMENT OF FISH-CAMP VISUALLY COMPATIBLE WITH THE EXISTING STRUCTURE AS DETERMINED BY THE PLANNING DIRECTOR.

f. Results in no evidence of its existence in the external appearance of the dwelling or premises, or in the creation of noise, odors, smoke or other nuisances to a degree greater than that which is normal for the neighbor hood in which such use is located.

g. Does not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which such use is located.

h. Satisfies the requirements of the Mariposa County Building Division of Public Works and the State Fire Marshall.

(3). Sign Standards

a. A sign of not more than two-(2) 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.

b. The area of an irregular sign shall be the area of the smallest rectangle which can wholly contain the sign.

c. No sign shall contain any flashing, blinking or moving letters, characters or other elements, and the sign itself shall not move.

d. No sign shall contain any lighted outline tubing, or be internally illuminated or constructed of plastic.

e. Signs may be spotlighted or floodlighted if the source of such lighting is not visible.

f. No illumination shall be of such intensity that is objectionable and out of character with the surroundings as approved by the Planning Director.

g. Signs shall be located no more than eighty four (84) inches above the ground when mounted to a post; and below the height of a roof eave when located on a building.

h. Materials used in sign construction:

(h.1) Signs may be constructed of metal, wood or stone with letters or designs painted, carved or applied on them.

(h.2) There shall be no fluorescent or similar light-reflecting paint used on any signs.

(h.3) Brackets or standards shall be constructed of wood.

(h.4) Any material may be substituted for the materials specified in subsections a. and c. above, provided that it can be made to appear like a specified material.

C. PUBLIC-QUASI PUBLIC LAND USE CLASSIFICATION
1. Permitted Uses

   a. One single family residence per parcel subject to all requirements for the single family residential one (1) acre land use classification.
   b. Accessory buildings incidental to permitted uses.

2. Conditional Uses

   a. Utility yards and substations.
   b. Schools and public libraries.
   c. Churches.
   d. Parks, playgrounds and recreational facilities of a non-commercial nature.
   e. Community centers.
   f. Police and fire stations.
   g. Other uses of a public nature.

3. Public-Quasi Public Development Standards

   a. Front, Back and Side Yard Setback Requirements

      (1) Front Yard Setback Requirements: All structures must be located at least 50 feet from the centerline of the facing street, or 20 feet from the front property line, whichever is greater.

      (2) Side Yard Setback Requirements: All structures must be located at least 10 feet from interior side property lines. A side yard on a corner lot, facing on a street or highway, shall conform to the same requirements as in the front yard setback on the same lot.

      (3) Rear Yard Setback Requirements: All structures must be located at least 20 feet from the rear property line.

   b. Off-Street Parking Standards

      The following parking standards shall be applicable in all areas carrying a Public-Quasi Public Land Use classification designation:

      (1) Schools (not including high schools): One space for each employee and each faculty member, and adequate areas for bus loading and unloading, plus the number of additional spaces prescribed by the Planning Commission if the school has a potential of being used for community meetings, adult education classes, etc.

      (2) Public or private permitted uses incorporating indoor or outdoor assembly or spectator areas, such as churches, auditoriums, theaters, playing fields, shall have one off-street parking space for each four fixed seats in the assembly or spectator area, plus one off-street parking space for each 28 square feet of assembly or spectator area in which no fixed seats or benches are maintained.

      (3) Offices: One space for each 200 square feet of gross floor area, except for floor area used exclusively for storage or truck loading.

      (4) Public buildings, grounds, utility structures and installations other than administrative offices: One off-street parking space for each three employees, plus the number of additional spaces prescribed by the Planning Commission.

   c. Sign Standards
All signs erected in the Public-Quasi Public Land Use classification shall conform to the General Sign Standards contained in Section VI A.3.c.

d. Height Standard

The vertical distance from the uphill side of a building shall not exceed 35 feet above the natural grade line. (See Illustration No.1)

D. General Forest Land Use Classification

This land use is applied to property presently located in the Timber Production Zone.

1. Regulation: As set forth in Section 3.505 of the Mariposa County General Plan.

E. Planned Unit Development Development overlay, Land Use Classification

The intent of this land use classification is to provide an alternate development procedure which would reflect the unique characteristics of the Fish Camp community and would preserve the natural environment by minimizing site disturbance and encouraging the establishment of open space.

(Balance remains the same)

ADD REFERENCE TO APPENDIX IV OR DELETE SECTION E.

DELETE F (GENERAL SIGN STANDARDS) AND MOVE TO A.3.c. NOTE THIS CHANGE IN C.3.c.
DELETE G. GENERAL PARKING STRUCTURE STANDARDS

H. NOW F.

F. Land Use Classifications as applied to Forest Service Transfers on Adjacent Properties

Should the situation arise where the U.S. Forest Service effects a land transfer, involving Forest Service property adjacent to the TPA, said property shall be deemed to be in the Mariposa County General Plan, for purposes of density and appropriate standards. Action may be subsequently taken to incorporate the land within the boundary of the TPA and apply an appropriate land use.

I. NOW G.

G. Non-Conforming Uses

All those legally established uses, which are in existence at the time of the adoption of this plan, which are not in conformance with the policies and standards in this plan, deemed to be non-conforming uses, said uses shall be allowed to continue, but shall not be allowed to expand. Would a non-conforming use become abandoned for a period of one year, or more, said use shall be voided and shall not be allowed to be restored.

--- Streets and Roads

(Section remains unchanged.)

WHERE IS THIS SECTION?

K. NOW H. SHOULD J THEN BE I.?

H. Bed and Breakfast and Residential Transient Rentals

1. Prior to the establishment of a Bed and Breakfast Inn or Transient Rental activity a notice of intent to establish such an activity shall be filed with the Mariposa County Planning Department on an application form and fee
established in accordance with the County Resolution No. 88-174. Thereafter, the Planning Department shall post a notice of proposed activity on the subject property in a conspicuous manner for a period of not less than fifteen (15) days and a copy of such notice shall be mailed to all property owners within 300 feet of the exterior property lines of the parcel containing the proposed activity.

The filing of a petition with the Planning Department on a County approved form signed by fifty percent (50%) of the property owners within 300 feet of the exterior property lines of the parcel containing the proposed activity protesting such application within twenty (20) days after such notice has been mailed shall require the proposed activity to obtain a conditional use permit.

In the absence of such a petition (as described above), the Planning Department shall issue a notice of approval to the applicant providing that all requirements as set forth herein have been satisfied.

2. Land Use Provisions:

Bed and Breakfast Establishments are defined as a single family structure which is occupied and operated by the resident who may provide or make available a morning meal on the premises.

Residential Transient establishments are defined as a single family structure which is available for rental to an individual, a family or a group on a transient basis for a period not to exceed twenty-nine (29) days. 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 Specific Plan provisions, a duplex shall be considered a single family dwelling for the purpose of this section.

Both Bed and Breakfast and Residential Transient Rentals shall meet the following requirements:

3. Use Requirements:

Prior to the issuance of a Bed and Breakfast or Transient Occupancy permit, the following requirements shall be met:

a. No more than three (3) bedrooms may be made available for occupancy by transients.

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

c. Water supply must be verified to be available from an approved community system, or from an individual well having quality and quantity satisfying current health code requirements.

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

e. At the time the application for a 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.

f. SIGNS SHALL COMPLY WITH THE PROVISIONS IN SECTION VI B.6.g.3.

g. A bed and breakfast or residential transient rental may include other uses which comply with this Home Occupation section.

h. At minimum, an 8 1/2 x 11 inch written notice must be placed in each

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rental unit which contains the following information;
(1) Instructi, in case of fire or other emerg, y.
(2) Quiet hours shall be observed between 10:00 p.m. and 8:00 a.m.,
shall be strictly enforced.
(3) Water and energy conservation measures.
(4) Proper use of wood burning stoves minimum on-site parking
standards shall apply:
   i. The following minimum 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) Transient Rental establishments shall have one (1) on-site
      parking space for each bedroom.
      (3) On-site parking spaces provided shall be maintained so that they
      are accessible and usable at all times during the year, when the
      residence is occupied.

6. Application Requirements.

   a. The applicant shall apply to the Mariposa County Planning Department
   for a permit. The Planning Department shall also forward the
   application to the Building Department, Health department, and
   appropriate fire agency for review.

NOTE CHANGE TO REFERENCE SECTION.

   b. Following approval by all appropriate agencies, and completion of
   notice period as described in Section VI H. 1. a valid transient
   occupancy registration certificate shall be issued by the Mariposa
   County Treasurer/Tax Collector's Office.

I. COMPLIANCE WITH SPECIFIC PLAN

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

1. 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 Plan. All uses not otherwise listed as permitted
or conditional shall be expressly prohibited.

2. 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 Plan.

3. Uses listed as permitted within any zone may be established provided all
other State and County code requirements are adhered to.

4. Where a proposed land use is not specifically listed as permitted, the
Planning Director will 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 equivalent to those permitted.

5. Upon a written determination by the Planning Director that a proposed
unlisted use is equivalent in its nature and intensity to a permitted use,
the proposed use will 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.

6. The Fish Camp Advisory Council shall review and make recommendation to the
Planning Director regarding the requested land use determination. The
Council shall be formally notified following the deliberation on the
subject, and may appeal the determination to the Planning Commission, if
so desired.