

MARIPOSA COUNTY ORDINANCE NO. 697

AN ORDINANCE AMENDING TITLE 17 OF THE MARIPOSA COUNTY CODE ENTITLED
ZONING, BY AMENDING CHAPTER 17.06 ZONING MAP.

WHEREAS, The State of California in Section 65800 et seq. of the Government Code authorizes local agencies to regulate land use through adoption of zoning ordinances, and

WHEREAS, the State of California also requires in Section 65860 of the Government Code that zoning ordinances be consistent with adopted general plans, and

WHEREAS, the County of Mariposa pursuant to Section 65450 of the Government Code has adopted the Land Use Policies and Standards Element of the Wawona Specific Plan as means of further implementing the County General Plan, and

WHEREAS, the County of Mariposa has prepared and certified an Environmental Impact Report in accordance with the provisions of the Public Resources Code and the County Environmental Review Policies and Procedures; and

WHEREAS, the Specific Plan and EIR identified the following specific constraints within the community's infrastructure which precludes consideration of second dwelling units in accordance with section 66852.2 of the Government Code:

- A. The limited capacity relative to water supply and sewage disposal;
- B. The inability of existing streets and roads to handle the additional traffic;
- C. The existence of many building sites not satisfying minimum parcel size requirements;

D. The potential impact on the unique flora and fauna in the area;

E. The potential excessive demand on essential services such as fire protection, police protection, solid waste disposal, and road maintenance.

F. The potential impact on natural terrain and drainage features, and loss of essential open space and scenic areas; and

WHEREAS, the County of Mariposa has determined it is necessary to amend its zoning ordinance to carry out the intent of the Specific Plan.

NOW THEREFORE, the Board of Supervisors of Mariposa County, a political subdivision of the State of California, hereby ordains as follows:

SECTION I: Chapter 17.06 is amended by adding the following sections to read as follows:

17.06.020 Maps included in text by reference. To effectively implement the policies of the Wawona Specific Plan, the contents of the plan and maps, and all amendments thereto are hereby adopted and included by reference as part of this title, pursuant to Sections 65800 et seq. of the Government Code, as though they were fully set forth herein.

A. All districts set forth in the plan shall be known as principal zoning districts.

B. Specific standards or provisions within any principal district may be modified or supplemented when said principal district is combined with a combining district.

C. Any combining districts set forth in the Plan shall be known as overlay districts.

D. Boundaries of all districts may be modified in accordance with the provisions of this title provided that any district boundary shall conform with the Wawona Specific Plan Land Use Map. For the purpose of implementing this provision, the Wawona Specific Plan Land Use Map, as contained in the Wawona Specific Plan and duly adopted as such in accordance with the provisions of state law, shall be designated as the District Zoning Map for the Wawona Town Planning Area. Any amendment or revision in the Land Use Map shall be processed as an amendment to this title in accordance with the provisions of this title.

E. Zoning districts established by this ordinance which are not a part of the existing Wawona Specific Plan will require amendments to that plan in order to implement their provisions.

F. Within the area designated as the Wawona Town Planning Area, approval of all building permits, site plans, development plans, conditional use permits and subdivisions shall be consistent with that adopted specific plan. This interim land use policy shall remain in effect until such time as comprehensive zoning regulations are adopted to implement those plans. In instances where there is a conflict between existing zoning standards and a specific plan, the standards of the specific plan shall govern. In instances where there is a conflict in administrative provisions, the existing ordinance shall prevail.

17.06.030 Interpretation of land use district boundaries.

Where uncertainty exists as to the boundaries of the aforesaid districts as adopted and made a part hereof, the Planning Department, upon written application or upon its own motion, shall determine the location of such

boundaries by reference to all available pertinent data and maps. In making such determination, unless the contest otherwise indicates, the following rules shall apply:

A. Where a boundary is shown as approximately following a lot line, the lot line shall be considered to be the boundary.

B. Where a land use category applied to a parcel of land is not shown to include an adjacent street or alley, the category shall be considered to extend to the center line of the right-of-way.

C. Where any district boundaries are indicated as approximately following a legally definable section, half section, quarter section, quarter-quarter section or other divisible portion of an established section or project section line, such lines shall be construed to be the boundary of said district.

D. Where a boundary is indicated as approximately following a physical feature such as a stream, drainage channel, topographic contour line, power line, railroad right-of-way, street or alleyway, the boundary location shall be determined by the Planning Department, based upon the character of the particular feature used as a boundary.

E. Whenever any street, alley or other public right-of-way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public right-of-way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

F. All areas within the unincorporated area of the county which are under water and are not shown as included within any district

shall be subject to all of the regulations of the district which immediately adjoins the submerged area.

G. In cases of large ownerships containing separate land use categories unrelated to lot lines or terrain features, the precise location of boundaries may be determined through review and approval by the Planning Commission.

17.06.040 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.

17.06.050 Consistency with General Plan and Specific Plans.

A. Approval of rezoning, design and site plans, development plans, subdivision 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 permit or subdivision shall be denied if found to be inconsistent with the Mariposa County General Plan or with the applicable Specific Plan.

B. Secondary dwelling shall not be allowed within the Wawona T.P.A.. In this area, secondary units are deemed to be incompatible with existing development. The density increase resulting from secondary units would create adverse cumulative effects on essential community services and natural features. Such services and features include but are not limited to water supplies, storm drainage facilities, roadway traffic capacities, and sewage disposal systems.

17.06.060 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.

17.06.070 Site Plan Required. A site plan shall be submitted to and approved by the Mariposa County Planning Department prior to the issuance of a building permit, commencement of, or change in any commercial or industrial use. All applications shall be reviewed and a preliminary site inspection made 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.

17.06.080 Interpretation by the Planning Director. The Planning Director shall make interpretations:

A. 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.

B. 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.

17.06.090 Single Family Dwelling Site Plans. Site plans for single family dwellings shall be submitted to the Planning department. These site plans shall at a minimum 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 on the affected legal parcel of land;

C. Location of existing or proposed septic tank and leach field or sewer laterals;

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 Road Department may be required.

17.06.100 Commercial, Industrial, or Multi-Family Dwelling Site Plans: Site plans for commercial, industrial, or multi-family dwellings shall at a minimum 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. Access; pedestrian, vehicle, service;
- F. Loading areas, drive-in or drive through facilities;
- G. Landscaping;
- H. Signs: Locations, sizes, heights, and types;
- I. Public rights of ways, easements, recreation/open space areas existing or proposed;
- J. Grading and drainage plans;
- K. Outdoor storage areas, location of outdoor lighting and truck storage or equipment storage areas if applicable;
- L. Existing or proposed water and wastewater treatment facilities;
- M. Existing or proposed means of access, location, width and type. An approved encroachment permit from the California Department of Transportation or the Mariposa County Road Department may be required.

17.06.110 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 Department 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 required pursuant to this Title.

SECTION II: This ordinance shall become effective thirty days from the date of final passage pursuant to Government Code Section 25123.

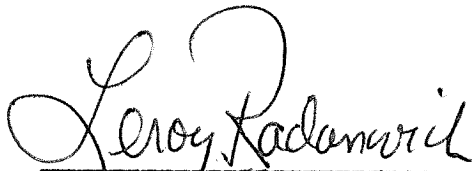
PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 20th day of October , 1987 by the following vote:

AYES: BAGGETT, DALTON, ERICKSON, RADANOVICH

NOES: NONE


EXCUSED: TABER

ABSTAINED: NONE

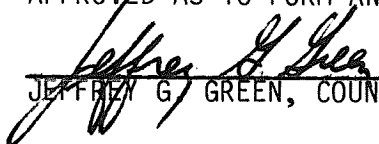


LEROY RADANOVICH, Chairman
Mariposa County Board of Supervisors

ATTEST:


MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


JEFFREY G. GREEN, COUNTY COUNSEL