ORDINANCE NO. 514

The Board of Supervisors of the County of Mariposa, State of California, do ordain as follows:

County Ordinance No. 180, as amended, is hereby amended by adding thereto under Section IV the following sub-section, to wit:

D. The following described property is zoned as an overlay Planned Unit Development Zone as provided for in Ordinance 425 and conditioned in accordance with Exhibit "A" attached hereto and made part hereof as set out in full.

Beginning at a point on the Northerly line of Block 56 of the Town of Mariposa, from which the Northwest corner of said Block 56, bears S. 53° 56' W. 191 feet; thence along the Northerly line of said Block 56 and along said line extended, N. 53° 56' E. a distance of 59 feet; thence along a line parallel with and 10 feet Easterly from the Easterly line of said Block 56, S. 36° 04' E. 50 feet; thence S. 53° 56' W. 59 feet; thence N. 36° 04' W. 50 feet to the place of beginning.

A lot of land situate in and being a fractional part of Block 56 of the Town of Mariposa, County of Mariposa, State of California, (as the said Town of Mariposa is so designated by the Record Map on file in the office of the County Recorder of the said Mariposa County), bounded by a line particularly described as follows:

Commencing at Corner No. 1, a point on the Northerly line of the Johnstone Lot, as per deed from John C. Weston and Mary E. Weston, his wife, to Earle J. Johnstone, dated November 10, 1932, and recorded November 23, 1932, in Volume "32" of Deeds, page 130, Mariposa County Records, to which recitation reference is hereby made, and from which the Northwest corner of said Lot, identical with the Northwest corner of Block 56, bears S. 53° 56' W., 116 feet; thence Southeasterly and parallel with Jones Street 50.0 feet to Corner No. 2, a point on the Southerly line of said Johnstone Lot, 116 feet from the Easterly line of Jones Street; thence at right angles, Northeasterly and parallel with 13th Street; 75 feet to Corner No. 3; thence at right angles Northwesterly and parallel with Jones Street to a point on the Northerly line of Block 56, 50.0 feet to Corner No. 4; thence at right angles Southwesterly along the Northerly line of Block 56, 75.0 feet, to the point of beginning.

Parcel 3 as said parcel is shown on Amended Parcel Map for Rilla K. Hair, filed March 5, 1974 in the office of the County Recorder of Mariposa County in Book 7, page 29 of
Parcel Maps. Being a portion of Section 14, Township 5 South, Range 18 East, M.D.B.&M., Rancho Las Mariposas.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 5th day of June, 1979, by the following vote:

AYES: Dalton, Clark, Owings, Weber,

NOES: None

NOT VOTING: None

ABSENT: Erickson

EUGENE B. DALTON, Chairman
Board of Supervisors

ATTEST:

JOAN J. LYNK
Clerk of the Board
1. The Declaration of Covenants, Conditions, and Restriction, Oak Terrace Subdivision, to be made part of the Use Permit. Copy attached.

2. Parking ratios are to be 1½ spaces per family unit per lot development, exclusive of street parking.

3. This development will have a maximum density of one family unit per 4,000 square feet of open space for multiple use lots and total population density of 140 for entire project.

4. Each multiple family parking lot will have lighting as per code.

5. Completion of the project to be 5 years or less from the effective date of Ordinance No. 514.

6. A 4', unobstructed pedestrian walkway will be provided adjacent to roadway curbs.

7. Adequate water and sewerage will be provided without endangering the public health and welfare of the users of the Mariposa Public Utility District. This property is within original M.P.U.D.

8. Lots 1-6 and 16-25 (16 lots) are designated single family dwelling lots; and, Lots 7-15 are designated multiple family dwelling lots. There will be a maximum density on Lot 7, duplex; Lot 8, duplex; Lot 9, three-plex; Lot 10, 4-plex; Lot 11, 6-plex; Lot 12, 4-plex; Lot 13 6-plex; Lot 14, 6-plex; and, Lot 15, 8-plex.
DECLARATION OF CONVENTANTS, CONDITIONS, AND RESTRICTIONS

OAK TERRACE

PLANNED DEVELOPMENT ZONE

GENERAL DESCRIPTION: Oak Terrace is a Planned Development Zone located in the town of Mariposa, California. It is composed of twenty-five (25) lots. Lots one through six (1-6) and sixteen through twenty-five (16-25) are designated single family detached; and, lots seven through fifteen (7-15) are designated multiple family. A portion of lots fifteen and sixteen (15 & 16) can not be used for building or have any deep surface disturbance, being part of a geological slip, as described in the Environmental Impact Report attached to the records of this Planned Development Zone. Completion of the Zone is projected over a period of five years.

PURPOSE: The purpose of the Covenants, Conditions, and Restrictions is to assure that Oak Terrace Planned Development Zone will be a lasting, pleasing, and attractive part of Mariposa, California, and will provide needed housing facilities for the area.

ENVIRONMENTAL CONTROL COMMITTEE (ECC): An ECC will be appointed from among the owners of record at the time of approval. They may appoint other members or representatives. The Committee shall have the power to enforce the conditions, covenants, and restrictions, or make exceptions to same with good reason. Such decisions must be in writing. Approval or disapproval will be given within thirty (30) days after receipt of request, however, failure to reply is not to be interpreted as approval of request until personal contact with the ECC Chairman has been made. A time limit of one year from approval of plans to completion of building construction and initial landscaping is required. The committee may charge $15.00 for plan review, exceptions and services.

BUILDING CONTROL AND LAND USE: Lots designated as single family detached will not be used for any purpose other than residential. No building shall be erected, altered, placed or permitted to remain on lots of this designation other than one (1) single family dwelling not to exceed two (2) stories in height; a private garage for the use of the occupants of the dwelling; and, any accessory building or structure, the use of which is incidental to the main dwelling. No garage will be constructed or altered to contain an apartment.

Lots designated for multiple housing shall be used for that purpose only. No building shall be erected, altered, placed or be permitted to remain on lots of this designation other than multiple family dwellings. The building shall not exceed two (2) stories in height. A parking lot and any accessory building or structure, the use of which is incidental to multiple family dwellings, may be provided.

All plans, specifications, building locations or applications for variances from these Covenants, Controls and Restrictions must have the approval of the ECC prior to proceeding. Lighting for parking and walk areas for multiple housing shall have ECC approval.
All structures shall be of quality materials and workmanship, and shall contribute to a similarity in the design of the development. Additions to, or changes in, roads, grade, topography, fill, walls, or fences must be approved by the ECC. Additions or removal of trees, bushes, screening shrubs or other natural material require the same approval.

Dwellings on lots one through six (1-6) and twenty-four and twenty-five (24 & 25) shall have a total of not less than 1,200 square feet of floor area not to include decks, porches, patios, garages, or car ports. No square footage with less than five (5) feet of head room can be included in the minimum requirement. Lots sixteen through twenty-three (16-23) shall have a minimum of 1,500 square feet with the same exclusions as above. No industrial prefabricated building or structure of any nature, permanent or temporary, shall be placed upon or assembled on any lots of Oak Terrace Planned Development Zone. Temporary buildings used during construction are an exception.

MULTI-FAMILY UNIT DENSITY: Lots seven through fifteen (7-15) may have a maximum unit density in the ratio of 4,000 square feet of lot area to one living unit. Any variance in this ratio will require Mariposa County Planning Commission approval.

BUILDING SETBACKS: Lots one through eight (1-8) and twelve through twenty-five (12-25) have the following setbacks: No building, exclusive of roof overhangs, shall be erected closer than fifty (50) feet from the centerline of a future fifty (50) foot road. Side setbacks shall not be less than ten (10) feet from the side of a building, exclusive of roof overhang, to an interior property line. Rear yard depth shall be twenty-five (25) feet. Accessory buildings may be built to the ten (10) foot line, exclusive of roof overhangs. Lots nine, ten, and eleven (9, 10 & 11) shall have a forty-five (45) foot distance, exclusive of roof overhang, to the centerline of a future fifty (50) foot road, ten (10) feet from the side of a building, exclusive of roof overhang, to an interior lot line, and twenty (20) foot rear yard depth. Accessory building, exclusive of roof overhang, can be built to the ten (10) foot line.

FENCES: Fences may be permitted in accordance with Ordinance No. 429, Section 6.4. The need, placement and material used must be approved by the ECC. Lot six (6) will be separated from lots seven and eight (7 & 8) by a six (6) foot privacy fence.

LIVESTOCK AND PETS: No animals, livestock or poultry of any kind shall be kept, raised or bred on any lot. Usual household pets may be kept so long as they do not create a nuisance or danger and may not be kept for the purpose of breeding for commercial sale. No kennels, aviaries or rearing ponds will be maintained on any lot.

PARKING FOR STORAGE: No recreational vehicle, boat, or trailer will be parked permanently on multi-family parking lots. Recreational vehicles, boats and trailers may be stored on single family lots only when screened by fence or shrubbery, and are not detrimental to the surroundings. Vehicles so stored shall not be used as a dwelling nor be connected to sewer or water facilities.
EASEMENTS: Easements for installation of and maintenance of water, electricity, telephone, and sewer connections, drainage, etc., are reserved as shown on tentative map. A special easement will be provided for the Mariposa Public Utility District for access and maintenance of a well to be drilled by owners. The Utility District will maintain the easement, and will fence it and the well-sight in a manner complimentary to adjacent properties.

SANITARY CONTROL: No activity which will create objectionable odors, smoke, noise, vibrations or bright or flashing lights will be permitted. No commercial vehicles can be kept on any street, lot or parking area. Garbage and trash shall be kept in covered sanitary containers, screened from view, except on pickup day. Said containers shall be emptied regularly. No area within the Planned Development Zone is to be used for a dumping area for unwanted material or trash. No incinerators or burning, of any kind, shall be allowed in the Planned Development Zone. For sale signs will be two (2) feet by three (3) feet, or less.

TERM OF ENVIRONMENTAL CONTROL: The ECC will serve for eighteen (18) months after completion of construction on all lots. Covenants, Conditions, and Restrictions shall be enforced beyond the term of the ECC by property owners, subject to changes in local, County or State regulations, for continuing periods of ten (10) years.

ENFORCEMENT: Enforcement shall be by proceedings at law, or in equity against any person or persons violating or attempting to violate any Covenant, Condition or Restriction, either to restrain violation or to recover damages, and shall be instituted by the ECC, or their assigns.
There is a large maps attached to the original Ordinance on file.