ORDINANCE NO. 277

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

SECTION I. This Ordinance is adopted pursuant to Government Code Section 65858 for the purpose of establishing interim zoning regulations in that portion of the County of Mariposa outside the boundaries of Yosemite National Park which are not zoned under County Ordinance #180, pending final adoption of a County General Plan and countywide zoning and specific planning in accordance with said General Plan.

SECTION II. All that portion of the County of Mariposa outside the boundaries of Yosemite National Park except that certain residential zone in and about the town of Mariposa established by Section IV of County Ordinance #180 and excepting, also, the balance of the town of Mariposa as delineated on the map of the town of Mariposa on file in the County Recorder's office and, excepting also the towns of Coulterville, Bear Valley, Hornitos, and Fish Camp, as delineated on maps on file in the office of the County Recorder, is hereby designated as an Agricultural-Residential Zone.

SECTION III. That portion of the Town of Mariposa as delineated upon the map of the Town of Mariposa on file in the County Recorder's office, which lies outside the Residential Zone established by Section IV of Ordinance #180, and the towns of Coulterville, Bear Valley, Hornitos, and Fish Camp, as the same are delineated upon maps of each on file in the County Recorder's office, are hereby designated Business-Residential Zones, respectively.

SECTION IV. The following land uses are permitted in the Agricultural-Residential Zone established by Section II above, to wit: Existing ranch and farm operations, single family residences, all other lawful uses of land existing on the date...
of enactment of this ordinance and such other uses as may be permitted under use permits as hereinafter more particularly specified.

SECTION V. The following land uses are permitted in the Business-Residential Zones established under Section III above, to wit: Existing business uses, existing residential uses, all lawful land uses existing as of the date of adoption of this ordinance, and such other uses as may be permitted by special use permit as hereinafter more particularly specified.

SECTION VI. In the Agricultural-Residential Zone, improvements to existing farm or ranch buildings and construction of new farm or ranch buildings and construction of single family residences may be made without special use permit; provided, however, that the construction of any new single family residence must be made upon a parcel of land with an area of at least ten (10) acres or, upon a parcel of land having less than ten (10) acres which was conveyed or subdivided prior to the effective date of this ordinance.

SECTION VII. In the Business-Residential Zones hereby established, alterations and additions to existing business structures and construction of new business establishments in areas which are predominantly devoted to business use may be made without special use permit. Additions to existing residences and construction of new single family residences in areas which are not predominantly devoted to business use may be made without special use permit. All other improvements of land in said Business-Residential areas may be made only under special use permit. The absence of a building devoted exclusively to business use in close proximity to any parcel of real property upon which a new business building is to be constructed, shall create a presumption that the area is not devoted primarily to business use, and a special use permit shall be required in order to
construct any such building for business use.

SECTION VIII. Except as hereinabove provided, it is un-
lawful in any Agricultural-Residential Zone or Business-Residential
Zone created by this ordinance, to make any different use of any
parcel of real property, or part thereof, different from the use
of such parcel, or part thereof, existing prior to enactment of
this ordinance without first obtaining a special use permit.

Any property owner desiring to use or improve his property in
such a manner that a use permit is required, by virtue of this
ordinance, may make written application to the Mariposa County
Planning Commission for a special use permit. Such application
shall be considered by the Planning Commission at its next regular
or special meeting after the filing of such application. The
Planning Commission shall make its decision granting or denying
such application, either with or without conditions, at the
meeting next following the filing of such application, except
that the Planning Commission may postpone action on any such
application, not more than once, to its next regular or special
meeting date. A denial of a special use permit by the Planning
Commission shall be final unless, within 10 days after denial
of such application, the applicant requests a hearing before the
Board of Supervisors. The Board of Supervisors shall grant a
hearing to any such applicant at its next regular or special
meeting, following receipt of written request for hearing, except
that such hearing may be postponed from time to time, not to
exceed one month beyond the date of receipt of any such request
for hearing. The decision of the Board of Supervisors, after
any such hearing, shall be final. Notice of the action of the
Planning Commission in granting a special use permit, either
with or without conditions, shall be given to the Board of Super-
visors promptly after such action is taken. Such action by the
Planning Commission shall be advisory only. The Board of Super-
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visors may hold a hearing upon notice to the applicant and to
the Planning Commission and either grant or deny such special
use permit and may also impose conditions in addition to those
imposed by the Planning Commission. The action of the Board
of Supervisors in granting or denying a special use permit,
previously approved by the Planning Commission, shall be final.

SECTION IX. In granting, either conditionally or un-
conditionally, or in denying any request for a special use permit,
the Planning Commission and the Board of Supervisors shall take
into consideration the provisions of Sections I and II of County
Ordinance #180, and the provision of the Government Code Sections
mentioned therein, together with the provisions of the County
General Plan and any specific plan which applies to the area
for which a special use permit is requested. The Planning
Commission and the Board of Supervisors shall not approve or grant
any special use permit which will result in spot zoning, which
will result in the creation of a nuisance, or which will be
inimical to the public safety, health and welfare, or contrary
to good planning practices as expressed in the State law and
existing Mariposa County Ordinance.

SECTION X. Each violation of the provisions of this
ordinance constitutes a misdemeanor and shall be punishable by
a fine of not more than $500.00 or by imprisonment in the County
jail for a period of not more than six months, or by both such
fine and imprisonment. Each day that a violation of this ordinance
continues shall be considered a separate offense.

SECTION XI. The Board of Supervisors of the County of
Mariposa hereby finds:

That the Planning Commission and the Board of Supervisors
have, in good faith, conducted and are continuing to conduct,
studies for the purpose of adoption of a Countywide General or
Master Plan and for the purpose of adopting countywide zoning
regulations and specific plans consistent with the Master or General Plan; That the Planning Commission and the Board of Supervisors are in good faith conducting studies for the adoption of a countywide Recreation Plan and Water Plan; that one specific water project for the County of Mariposa is being planned by the Mariposa County Water Agency and other County water projects will be studied in the near future; That the Merced Irrigation District is completing construction of a major water project within the boundaries of Mariposa County; That the County of Mariposa has experienced a population increase in excess of 17% during the period 1960-1966; That there has been a substantial increase in the number of subdivisions of land within Mariposa County during recent years; That by reason of the foregoing it is necessary that this ordinance take effect immediately upon its passage as an urgency measure in the interest of public safety, health, and welfare, and

IT IS HEREBY ORDERED that this ordinance shall take effect as an urgency measure immediately upon its passage in accordance with the provisions of Government Code Section 65858 and other applicable laws and constitutional provisions.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 27th day of September, 1966, by the following vote:

AYES: McGregor, Hurlbert, Mecham, Schatz
NOES: Gordo
NOT VOTING: None
ABSENT: None

[Signature]
Chairman of the Board of Supervisors of the County of Mariposa, State of California.

ATTEST:

[Signature]
County Clerk and Ex Officio Clerk of the Board of Supervisors