ORDINANCE NO. 180

AN ORDINANCE OF THE COUNTY OF MARIPOSA, PROVIDING A PLAN FOR THE USE OF LAND; ESTABLISHING LAND USE DISTRICTS; ADOPTING A MAP OR MAPS; DEFINING THE TERMS USED IN THIS ORDINANCE; PROVIDING FOR ITS ENFORCEMENT AND AMENDMENT; AND PRESCRIBING PENALTIES FOR ITS VIOLATION.

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

SECTION I -- Adoption of a Land Use and Zoning Ordinance.

In conformity with Chapter IV of Title 7 of the California Government Code and the Conservation and Planning Law, and after the Public Hearings required therein, there is hereby adopted a Land Use and Zoning Ordinance for the County of Mariposa.

SECTION II -- The Intent and Purpose.

The intent and purpose of this ordinance is as follows:

A. When requested by land owners, or the Planning Commission, to establish districts within the County for certain land uses that will help develop these certain areas to their highest and best use, so that other uses will not be permitted within these areas that would be detrimental from the nature of them, by creating noise, odors, and other problems, or that would depreciate land values by their unsightliness.

B. The purpose of this Ordinance is to effectively and reasonably administer the use of land, buildings and structures, so that the charm, beauty and historical values in the County may be preserved; to regulate the location and use of buildings, structures, and land for residential, agricultural, commercial or industrial purposes; to divide the County into Zones of such number, shape and area as are best suited to accomplish the purpose of these regulations, and to provide for their enforcement; to conserve and stabilize land values; to provide open spaces for light and air; to prevent and fight fires; to provide for adequate community facilities such as water, sewerage, schools, parks, and other public requirements; and to promote health, safety, comfort, convenience and the general welfare; and to provide the economical and social advantages resulting from an orderly planned use of land.
SECTION III -- Zoning Map.

The zones established by the following sections and the boundaries of such zones are not included in the text of this Ordinance but will be shown upon a map or maps hereafter attached and made a part of this Ordinance, each being designated as a "Zoning Map". Said map or maps, after approval thereof as provided by law, and all the notations, references and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth thereon were fully described herein.

SECTION IV -- Designation of a Residential Zone in the Town of Mariposa.

A. That section of land situated in the Town of Mariposa, County of Mariposa, as shown by the "Zoning Map" attached hereto, labeled "Exhibit A", is hereby designated as a Residential Zone.

SECTION V.-- Uses and Requirements.

A. The following uses and requirements apply in residential zones designated under this Ordinance:

1. Uses Permitted.

   a. One family dwellings. Two family dwellings, Multiple family dwellings.

   b. Other public uses such as Libraries, Schools, Parks or Community Buildings, if owned by the County or a Public Agency.

   c. The construction of dwellings or buildings permitted in a and b above must comply with all the requirements as set forth in the following paragraphs of this section.

2. Area Requirements.

   a. The minimum lot area shall be not less than five thousand (5000) square feet per dwelling unit.

   b. Where a dwelling is erected in the front or rear of another dwelling, an open and unobstructed passageway
must be maintained of not less than ten (10) feet in width, extending from the front of the rear building to the front of the lot. This passageway need not be provided on a corner lot if there is access to the side street.

3. Setback requirements.
   a. Front Yard -- No building shall be erected closer than thirty (30) feet from the front property line on a forty (40) street, or fifty (50) feet from the center line of any future local street.
   b. Side Yard -- There shall be a side yard of not less than five (5) feet from the side of a building to an interior property line. On a corner lot, the setback on the side street may be reduced to half of the front setback.
   c. Rear Yard -- The depth of a rear yard shall be twenty-five (25) feet. Accessory buildings may be built to the five (5) foot line.

4. Distance between Buildings on the same lot.
   a. There shall be a minimum distance of one hundred (100) feet between livestock stables, barns, pens or corrals and places of human habitation, schools or parks on adjoining property.
   b. There shall be a minimum distance of twenty-five (25) feet between buildings used for residential purposes.
   c. There shall be a minimum distance of ten (10) feet between a building used for residential purposes and an accessory building.

5. Fences, Walls and Hedges.
   a. Fences, Walls and hedges shall not exceed six (6) feet in height in back of the front property setback line and shall not exceed three (3) feet in height from the
front or side setback line established for buildings
to the front or side property line.

6. Parking Space.
   a. There shall be one usable parking space provided for
      one
      each/family dwelling unit.

SECTION VI -- VARIANCES AND ZONE CHANGES

The following regulations shall apply to the granting of
variances and zone changes.

A. Variances:

When practical difficulties, unnecessary hardships or results
inconsistent with the general purposes of this Ordinance
occur by reason of a strict interpretation of any of the pro-
visions of this Ordinance, the Planning Commission upon its
own motion may, or upon the verified application of any
interested persons shall, in specific cases initiate proceed-
ings for the granting of a variance from the provisions of
this Ordinance under such conditions as may be deemed neces-
ary to assure that the spirit and purposes of this Ordinance
will be observed, public safety and welfare secured, and sub-
stantial justice done. All acts of the Planning Commission
and Board of Supervisors under the provisions of this section
shall be construed as administrative acts performed for the
purpose of assuring that the intent and purpose of this
Ordinance shall apply in special cases, as provided in this
Section, and shall not be construed as amendments to the
provisions of this Ordinance or maps.

B. Necessary Conditions:

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

1. That there are exceptional or extraordinary circumstances
   or conditions applicable to the property involved, or to
   the intended use of the property, that do not apply
generally to the property or class of use in the same
zone or vicinity.

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

3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity.

4. That the granting of such variance will not adversely affect the comprehensive general plan.

C. Information Required:

Applications for variances shall be accompanied by:

1. A plot plan and description of the property involved showing the location of all existing buildings; plans and descriptions of the proposed use of the property with ground plans and elevations of all proposed buildings.

2. Reference to the provisions of the Ordinance from which said property is sought to be excepted.

D. Amendments and Changes of Zone Boundaries:

Whenever the public necessity, convenience, general welfare or good zoning practice justify such action, the Planning Commission upon its own motion may, or upon the verified application of any interested persons shall initiate proceedings to change the zones or regulations established by this Ordinance.

E. Filing of Applications:

Applications for variances and changes of zone shall be made in writing to the Planning Commission and in such form as is approved by the Planning Commission. The Commission may provide forms for such purposes and may prescribe the type of information to be provided therein and may require that no
petition shall be received unless it complies with such requirements. Applications filed pursuant to this Ordinance shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the Planning Commission and there shall be attached thereto copies of all notices and actions pertaining thereto.

F. Filing Fees:

Before accepting any application for filing, the County Clerk or other designated official shall charge and collect the following fees for the purpose of defraying the expenditures incidental to the proceedings prescribed herein:

1. Change of Zone -- For each application for a change of zone a fee of $10.00 for the first parcel or portion thereof, plus $1.00 for each additional lot or portion thereof.

2. Variance -- For each application for a variance a fee of $10.00 for the first parcel or portion thereof, plus $1.00 for each additional lot or portion thereof.

G. Investigation:

The Planning Commission shall cause to be made such investigation of facts bearing upon such application as will serve to provide all necessary information to assure that the action to each such applications is consistent with the intent and purpose of this Ordinance and with previous amendments or variances.

H. Notices:

The Planning Commission at its next regular meeting, following the receipt in proper form of any application for a variance or change of zone shall fix a time and place of public hearing thereon to be held not less than twelve (12) days nor more than forty-five (45) days thereafter. Not less than ten (10) days before the date of such public hearing, public notice
shall be given of such hearing in the following manner:

1. By one (1) publication in a newspaper of general circulation within the County. Such notice shall state the nature of the request, the location of the property, and the time and place of the hearing.

2. By mailing a notice, postage prepaid, to the owners of the property within a radius of three hundred (300) feet of the exterior boundaries of the property involved in the application, using for this purpose the last known name and address of such owners as shown upon the assessment rolls of the County of Mariposa. Such notice shall state the nature of the request, the location of the property, and the time and place of the hearing.

I. Public Hearings:

Public hearings as provided for in this Section shall be held before the Planning Commission at the time and place for which public notice has been given as hereinbefore required. The Planning Commission may establish its own rules for the conduct of such hearings. A summary of all pertinent testimony offered at a public hearing together with the names and addresses of all persons testifying, may be recorded and made a part of the permanent files of the case. Any such hearing may be continued provided that prior to the adjournment or recess thereof, the Presiding Officer at such hearing shall announce the time and place to which such hearing will be continued.

J. Findings:

Within thirty-five (35) days after the conclusion of a public hearing, the Planning Commission shall render its decision on the matter so heard. The Planning Commission shall announce and record its actions by formal resolution, and such resolution shall recite the findings of the Planning Commission
upon which it bases it decision. Within ten (10) days after final action by the Planning Commission on an application for a variance, amendment or change of zone boundaries, its recommendation and report if any, shall be delivered to the Board of Supervisors. The Board of Supervisors, after receipt of the report and recommendation from the Planning Commission, shall hold a final hearing thereon. The manner of setting the date of said hearing, giving of notice and conducting said hearing shall be the same as hereinbefore prescribed for hearings by the Planning Commission. The recommendation of the Planning Commission shall be approved unless reversed by a majority vote of the Board of Supervisors. No permit or license shall be issued for any use involved in an application for a change of zone until same shall have become final by adoption of an ordinance. If the use authorized by any variance or exception is, or has been unused, abandoned or discontinued for a period of six (6) months, or the conditions of the variance or exception have not been complied with, said variance or exception shall become null and void and of no effect, after the interested parties have been duly notified by registered mail of a public hearing to be held on the variance permit.

K. The Board of Supervisors of the County of Mariposa or the Planning Commission may make such additional rules and regulations as may be necessary or convenient governing hearings, notice of hearings, appeals, and forms of applications and contents of applications and appeals. Such rules and regulations must provide adequate notice and hearing so as to afford all parties due process of law.

SECTION VII. -- DEFINITIONS

This Ordinance shall be known as the "Land Use Zoning Ordinance" for the County of Mariposa. For the purpose of this Ordinance,
certain terms and words are defined.

ACCESSORY USE -- A use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

ACCESSORY BUILDING -- A detached subordinate building, the use of which is customarily incidental to that of the main building or to the use of the land and which is located on the same lot with the main building.

BUILDING -- Any structure built for the support, shelter, or enclosure or persons, animals, chattels or property of any kind.

BUILDING SITE -- The ground area of a building or group of buildings together with all open spaces as required by this Ordinance.

DWELLING UNIT -- One or more rooms and a single kitchen, in a dwelling, designed as a unit for occupancy by one family for living and sleeping purposes.

DWELLING, ONE-FAMILY -- A detached building designed exclusively for occupancy by one family.

DWELLING, TWO-FAMILY -- A detached building designed exclusively for occupancy by two (2) families living independently of each other.

DWELLING, MULTIPLE-FAMILY -- A building, or portion thereof, designed for or occupied by three (3) or more families living independently of each other.

GUEST HOUSE -- A temporary residence for a non-paying guest in either money or service.

LOT -- A parcel of land occupied or to be occupied by a use, building or unit group of buildings and accessory buildings and uses, together with such yards, open spaces, lot width and lot area, as are required by the Zoning Ordinance, and fronting upon a street or a private easement adequate for purposes of access.

LOT AREA -- The total horizontal area within the lot lines of
a lot.

LOT CORNER -- A lot situated at the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty-five (135) degrees.

LOT, THROUGH -- A lot having frontage on two (2) parallel or approximately parallel streets.

LOT LINE, FRONT -- The property line dividing a lot from a street. On a corner lot only one (1) street line shall be considered as a front line and the shorter street frontage shall be considered the front lot line.

LOT LINE, REAR -- The line opposite the front lot line.
LOT LINE, SIDE -- Any lot line other than front or rear lot line
NON CONFORMING BUILDING -- A building, or portion thereof, which was lawfully erected or altered and maintained, but which no longer conforms to the use, height or area regulations of the zone in which it is located.
NON CONFORMING USE -- A use which was lawfully established and maintained but which no longer conforms to the use regulations of the zone in which it is located. A non conforming building, or nonconforming portion of the building shall be deemed to constitute a nonconforming use of the land upon which it is located.

PARCEL OF LAND -- A contiguous quantity of land, in the possession of or owned by, or recorded as the property of the same claimant or person.

PARKING SPACE, AUTOMOBILE -- Space within a building or parking area, for the parking or storage of one vehicle, of approximately eight (8) feet by twenty (20) feet, with provisions for ingress and egress.

SCHOOL -- An institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California. High Schools include Junior and Senior.

STREET -- A public thoroughfare which affords the principal
means of access to abutting property.

USE -- The purpose for which land or building is designed, arranged or intended, or for which either is or may be occupied or maintained.

YARD -- An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

YARD, FRONT -- A yard extending across the full width of the lot between the front lot line and nearest line or point of the main building.

YARD, REAR -- A yard extending across the full width of the lot between the rear lot line and nearest line or point of the main building.

YARD, SIDE -- A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the main building or of an accessory building attached thereto.

SECTION VIII -- ENFORCEMENT.

It shall be the duty of the Building Inspector, or the Planning Commission, if there is no Building Inspector, or other County Official, as designated by the Board of Supervisors, to enforce this Ordinance. All departments, officials and public employees of the County of Mariposa, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this Ordinance; and any such permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

SECTION IX -- PENALTY.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred
dollars ($500.00) or by imprisonment in the County Jail for a
period of not more than six (6) months, or by both such fine and
imprisonment. Each day that violation of this Ordinance continues
shall be considered a separate offense.

PASSED AND ADOPTED by the Board of Supervisors of the County
of Mariposa, State of California, this 10th day of December, 1956.
AYES: McGregor, Miller, Conrad, Ellis.
NOES: None
ABSENT: McCoy

[Signature]
Chairman of the Board of Supervisors

ATTEST:

[Signature]
County Clerk and ex-officio Clerk
of the Board of Supervisors.