

MARIPOSA COUNTY RESOLUTION NO. 87-485

A RESOLUTION AUTHORIZING INTRODUCTION OF AN ORDINANCE AMENDING
TITLE 17, ZONING, OF THE MARIPOSA COUNTY CODE;

The Board of Supervisors of Mariposa County, a political subdivision of the State of California, hereby resolves as follows:


WHEREAS, the Board of Supervisors and the Planning Commission have conducted a lengthy series of Public Hearings, and

WHEREAS, the Board of Supervisors has considered the Planning Commission's recommendations and all verbal and written comments,


BE IT THEREFORE RESOLVED, that the Board of Supervisors hereby approves the comprehensive amendment to the Zoning Ordinance subject to the revisions in attached Exhibit "A", and directs County Counsel to prepare a final ordinance for appropriate action;

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 22nd day of December, 1987 by the following vote:

AYES: BAGGETT, DALTON, RADANOVICH
NOES: NONE
ABSTAINED: NONE
EXCUSED: ERICKSON, TABER

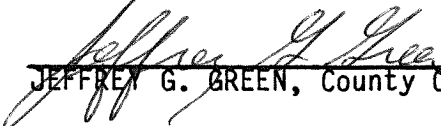


LEROY RADANOVICH, Chairman
Mariposa County Board of Supervisors

ATTEST:


MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



JEFFREY G. GREEN, County Counsel

EXHIBIT 'A'

1. That Chapter 17.19, Definitions be amended to add the following definition of Public Facilities:

Public Facility: Uses and structures principally of an institutional nature and/or serve a public need and operated by a public agency or under authority of a public agency such as: Governmental buildings, Public hospitals, Public schools, Public libraries, Public museums, Public parks and playgrounds, Post Offices, and Police and fire stations.

2. That Sections A., 1., a., of 17.03.010 through 17.03.100 and 17.03.130 be amended to reflect reference to the sections specifying other permitted uses in the primary zoning district by replacing "General Use Standards, Section 17.11.060", with "Chapter 17.12".
3. That Sections 17.03.020, Rural Residential, 17.03.030, Mountain Home, 17.03.040, Mountain Transition, 17.03.050 Mountain General, and 17.03.060 General Forest be amended to specify that churches would be a Conditional Use subject to parking standards to be added in Section 17.11.120 as item 'G' with a reference to 17.07.040 C.
4. That Chapter 17.03 be amended to add Residential Exclusive Overlay Districts as reflected in attached Exhibits A-1 and A-2.

5. That Section 17.11.080 Rural Home Industry be amended to exclude Junkyards by adding a subsection to read as follows:

E. Junk yards, wrecking yards and/or dismantling yards and solid waste sites, are prohibited uses in zones wherein Rural Home Industry is allowed. "Junk yards", "wrecking yards" and "dismantling yards" in this section means a place of more than two hundred square feet in size per parcel used for the storage or keeping of junk, including scrap metals or other scrap materials, and/or for the dismantling or wrecking of automobiles or other vehicles or machinery. "Junk" means any wornout, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered, or unchanged, and without further reconditioning, can be used for its purpose readily as or when new shall not be considered junk.

6. That Section 17.03.090, Timber Exclusive Zone be amended to appropriately reference State Code as follows:

a. 17.03.090 A. 2. Development Standards: In addition to Title 5, Division 1, Chapter 6.7 of the California Government Code, the following property development standards shall apply to all land and structures in the TEZ:

b. The second paragraph in Section 17.03.090 A. 2. be amended to refer to a "Registered Professional Forester".

7. That Section 17.03.050, Mountain General, be amended to add provision for limited commercial recreation as a conditional use permit as follows:

17.03.050 1 b. Conditional Uses: Membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables and riding trails.

8. That Section 17.03.060, General Forest, be amended to add provisions for limited commercial recreation as a conditional use permit as follows:

17.03.060 1 b. Conditional Uses: Membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables and riding trails.

9. That the term "Watershed" be further defined by amending 17.03.130 as follows:

17.03.130 Open Watershed Overlay (OWO). The OWO designated on the Mariposa County Zoning Map, is an overlay district and shall be applied to lands utilized, or proposed to be utilized as watersheds for public or community surface water supply as defined by the engineering studies for that project. Within any OWO, the specific policies, standards and regulations of the principal zone with which the OWO is combined, are modified in accordance with the following sections.

10. That a Resort Commercial Zone be added to the ordinance by amending Chapter 17.06 to make appropriate references and adding Chapter 17.09 as reflected in attached Exhibit A-3.

11. That maximum height provisions be added to the Ordinance by amending Chapter 17.11 as follows:

17.11.135 Structure Height. The purpose of the following section is to limit the height of structures as needed to: support public safety; protect access to natural light, ventilation, and direct sunlight; support the preservation of neighborhood character; and to preserve viewsheds and scenic vistas.

A. Maximum Height Restricted: In any land use district, no building or structure shall be erected, placed, or structurally altered to a height in excess of 35 vertical feet.

B. Exceptions: The following shall be excepted from the structure height regulations of all land use districts, except that such height shall not exceed those permitted in the Airport District:

1. Chimneys and flues.

2. Accessory farm buildings, but not to exceed 60 feet in height.

3. In Town Planning Areas without adopted specific plans, and all commercial and industrial zones, exceptions for permitted and approved commercial uses may be granted by the Planning Commission through the Use Permit Determination process specified in Chapter 17.12.

4. Also subject to the approval of the Planning Commission through the Use Permit Determination process, cooling towers, elevators, fire towers, monuments, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, and mechanical appurtenances over 45 feet in height from ground level.

5. Height restrictions shall not apply to broadcasting towers, aeriels, t.v. antennas, windmills, or public utility transmission and distribution poles and towers.

6. The maximum height of any structure may be increased by not more than 10 feet, providing all required offsets and setbacks are increased by one foot for each foot which such building exceeds the height limit of the land use district in which it is located, and the structure complies with all applicable fire code requirements.

C. Measurement: The height of a building or structure is to be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the exterior walls touch the finish grade.

12. That Section 17.11.060 F. regarding the discharge of firearms be deleted from general use standards.

13. That Section 17.11.060 C. be amended as follows:

D. Utilities, including but not limited to, transmission and distribution lines, towers and poles. Substations may be considered

subject to the Use Permit Determination process specified in Chapter 17.12.

14. That Section 17.11.120 be amended to provide additional parking regulations for special uses by revising "F" as follows:

F. Parking not covered by the above standards shall be subject to the provisions of section 17.07.040 C. The minimum parking spaces as described in Items B and C above may be increased by order of the Planning Commission if, after a hearing, the Planning Commission determines that actual use of the site in question demands additional parking spaces.

The parking regulations as specified herein shall apply in all zones except CG-1, CG-2, M-1 and M-2.

15. That second dwelling units be allowed on nonconforming lots by amending 17.11.140 as follows:

17.11.140 Secondary Residences. Specific density standards of this element notwithstanding, one secondary residence shall be permitted on an established parcel of land within the RRZs, MHZa, MGZs, and MTZs (except as specified in Section 17.11.100 L. 4) of the County provided that the residence conforms to all health, safety, setback, zoning and applicable building code requirements.

16. That the ordinance be amended wherever necessary to add "arterial road" as an example of major collector when it is used as a

locational standard (17.07.020 A., 17.08.020 A., 17.10.020 A., and 17.11.020 A.).

17. That potential uses in Town Planning areas without specific plans be expanded by amending Section 17.03.010 2. as indicated in attached Exhibit A-4 and adding Chapter 17.12, Use Permit Determination, as indicated in attached Exhibit A-5.
18. That more flexibility in minimum parcel size in Town Planning Areas without specific plans be provided by amending Section 17.03.010.2 as indicated in attached Exhibit A-6.
19. That more flexibility be allowed in the setback provisions by allowing special exceptions above 4000 feet elevation for all parking structures subject to certain requirements by amending Section 17.11.030 A.3.b. as follows:
 - b. Garages, carports, sheltered parking, and covered walkways may be constructed in front yard areas proving:
 - (1) The subject site is above four thousand (4000) feet in elevation;
 - (2) Carports shall have no enclosing walls higher than three (3) feet above ground level;
 - (3) 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.
 - (4) 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;

(5) The structure is for the exclusive use of the property owner or resident for the purpose of vehicular parking, and/or pedestrian access.

20. That establishment of rural home industrial uses be more carefully review by requiring approval through the Use Permit determination process, and creating a single use category by deleting 17.11.080 D. and Limited Light Industrial from Chapter 17.19, Definitions. Section 17.11.080 is to be amended as follows:

17.11.080 Rural Home Industry. Rural Home Industry is a permitted use in the same zones as listed in Home Enterprise above except RR subject to the Use Permit Determination process specified in Chapter 17.12. These are trades or industries of a limited character, which are not detrimental to the district or to the adjoining residential areas, by reason of appearance, noise, dust, smoke, or odor. Excludes any use the normal operation of which causes objectionable noise, odor, dust, or smoke to be emitted, radiated, or carried beyond the boundaries of the property on which the operation is located. Rural Home Industries are also subject to the same standards specified for a Home Enterprise in 17.11.070, with the following exceptions and additional conditions:

21. Additional review of proposed Bed and Breakfast establishments in rural areas shall be provided by requiring Conditional Use Permits in the AE Zone. Section 17.11.170 shall be amended as follows:

17.11.170 Bed and Breakfast and Residential Transient

Rentals. Bed and Breakfast and Residential Transient Rental Establishments shall be considered a permitted home enterprise in all principal zones, except the M-1 and M-2 Zones. Approval of a Conditional Use Permit shall be required for properties in the AE Zone. Bed and Breakfast Establishments are defined as a single family structure which is occupied by a non-transient. Residential Transient Establishments are defined as a single family structure which is available for rental to a family or a group on a transient basis. Both Bed and Breakfast and Residential transient Rentals shall meet the following requirements:

22. To mitigate potential concerns regarding intensive agricultural uses, Section 17.11.060 A is to be amended as follows:

A. Agricultural and grazing: Animal husbandry and the production of crops, plus the sale of agricultural products.

Notwithstanding anything to the contrary contained herein, it shall be a violation of this Title for any landowner, tenant, or person in possession or control of land in Mariposa County to conduct any agricultural use, horticultural use, viticultural use, silvicultural use, or agricultural enterprise, including but not limited to, grazing, animal husbandry, production of crops, or sale of agricultural products, on land in Mariposa County, in such a manner as to constitute either a private or public nuisance.

23. To further clarify the type of operations to be considered agricultural uses and subject to the ordinance, Chapter 17.19, Definitions, is to be amended by adding a definition of agricultural use as follows:

Agricultural Use: "Agricultural Use" shall mean any use which has to do with agriculture including but not limited to horticultural use, viticultural use, silvicultural use, and agricultural enterprises.

24. That the ordinance be amended as necessary to reflect additional sections relative to appropriate cross-references and codification.

EXHIBIT A-1

17.03.150 Residential Exclusive Overlay One (REO-1). The residential exclusive Zone is an overlay district which is intended to be applied to land utilized, or proposed to be utilized, exclusively for single family residential uses. Within any REO-1 zone, the specific policies, standards and regulations of the principal zone, with which the REO-1 Zone is combined, are modified in accordance with the following sections:

A. Development Standards for REO-1. Development standards for the REO-1 shall be as follows:

1. Uses:

a. Permitted Uses: Principal zone district use standards are modified to the extent that the only uses permitted are: residential uses; the keeping of domestic animals; accessory building and structures; utility transmission and distribution lines, towers and poles.

b. Conditional Uses: None

c. Prohibited Uses: All other uses not listed above, including agriculture, are prohibited.

2. Implementation:

a. Major or Minor Subdivisions: An REO-1 may be requested by a developer at the time a subdivision map and application are submitted to the Planning Department.

b. Existing Residential Parcels: Any property owner or owners may request an REO-1 providing that all affected parcels are contiguous and all owners sign the application requesting the REO-1. No parcel will be subject to an REO-1 unless the owner of record requests it.

3. Minimum Parcel or Lot Size: Same as the Principal Zone.

4. Density: Same as the Principal Zone.

EXHIBIT A-2

17.03.150 Residential Exclusive Overlay Two (REO-2). The residential exclusive Zone is an overlay district which is intended to be applied to land utilized, or proposed to be utilized, exclusively for single family residential uses. Within any REO-2 zone, the specific policies, standards and regulations of the principal zone, with which the REO-2 Zone is combined, are modified in accordance with the following sections:

A. Development Standards for REO-2. Development standards for the REO-2 shall be as follows:

1. Uses:

a. Permitted Uses: Principal zone district use standards are modified to the extent that the only uses permitted are: residential uses; the keeping of domestic animals; accessory building and structures; utility transmission and distribution lines, towers and poles, and personal service businesses in which the residents are the only employees.

b. Conditional Uses: None

c. Prohibited Uses: All other uses not listed above, including agriculture, are prohibited.

2. Implementation:

a. Major or Minor Subdivisions: An REO-2 may be requested by a developer at the time a subdivision map and application are submitted to the Planning Department.

b. Existing Residential Parcels: Any property owner or owners may request an REO-2 providing that all affected parcels are contiguous and all owners sign the application requesting the REO-1. No parcel will be subject to an REO-2 unless the owner of record requests it.

3. Minimum Parcel or Lot Size: Same as the Principal Zone.

4. Density: Same as the Principal Zone.

EXHIBIT A-3

CHAPTER 17.09
RESORT COMMERCIAL ZONE, CR

SECTIONS:

- 17.09.010 Purpose and Intent
- 17.09.020 Development Standards
- 17.09.030 Minimum Setback Standards
- 17.09.040 Design Standards
- 17.09.050 Special Use Standards

17.09.010 Purpose and Intent. The resort Commercial Zone, hereafter referred to as CR, is intended to provide locations for highway-related and tourist services. Standards will require that traffic will not unnecessarily be impeded by such locations and a broad range of services will be available.

17.09.020 Development Standards for CR. Development standards for the CR Zone shall be as follows:

A. Location: This Zone shall be located on, or easily accessible to major collector roads, i.e. State Highways and/or arterial roads.

B. Uses:

1. Permitted Uses: The following uses shall be permitted within any CR Zone:

- a. Motels, hotels and lodges;
- b. Restaurants and cocktail lounges;
- c. Guest ranches, health resorts, hunting and fishing clubs;
- d. Facilities for special group activities such as archery, pistol or rifle ranges, skeet clubs, tennis clubs, golf courses, and riding stables.
- e. Campgrounds and recreational vehicle parks subject to the special use standards specified in Section 17.09.050.
- f. One single family residence per business if the residence is an integral part of the structure which houses the business, and if the residence is occupied by the owner or operator of the business. However, no more than one residence per subparcel is allowed.

2. Accessory Uses: Accessory uses such as service stations, swimming pools, small general store services, and other uses normally appurtenant to a permitted use, i.e. clubhouses.

3. Conditional Uses: None

4. Prohibited Uses: All other uses not listed above are prohibited.

C. Minimum Parcel Size. Parcels shall have a minimum size of two and one-half acres (exclusive of easement) if the domestic water system and the sewage disposal system is to be developed on parcel.

1. If a domestic water system or a community sewage disposal system is to be developed, then one acre parcels (exclusive of easements), may be approved providing the average slope does not exceed fifteen percent. The burden is upon the applicant to show that such system meets the laws and standards of the state and the county.

2. If both a domestic water supply system and a community sewage disposal system is to be developed then parcels of nine thousand square feet (exclusive of easements) may be approved providing the average slope does not exceed fifteen percent. The burden is upon the applicant to show that such system meets the laws and standards of the state and county.

17.09.030 Minimum Setback Standards: The minimum setback standards for CR Zone shall be the same as those listed in Section 17.07.030, notwithstanding anything to the contrary contained herein, there shall be no parking, campsites or recreational vehicle sites utilized within the setback area.

17.09.040 Design Criteria The design criteria for the CR Zone shall be as specified for the CG-1 Zone listed in Section 17.07.040 of this Title.

17.09.050 Special Use Standards:

A. Campgrounds:

1. No more than 10 campsites, not including operator or employee quarters, may be established per acre or 43,560 square feet of gross land area.

2. For purposes of this section, campsite shall mean a site utilized for camping and shall not mean the parking and occupancy of mobile homes, or motor homes, or travel trailers.

3. A campground may be operated in conjunction with any permitted use provided that the site or area upon which the use is located, and parking area for the use, shall be deducted from the gross site area for purposes of calculating campsite density.

4. Restrooms, showers, laundries, club houses and similar service facilities reserved exclusively for the use of campsite patrons shall not be subject to site area restrictions for purposes of calculating campsite density.

5. At a minimum restroom facilities shall be provided in accordance with the provisions of the Health and Safety Code, and the Housing and Community development Codes.

6. The minimum site area for a campground shall be five (5) acres in Town Planning Areas without adopted specific plans and ten (10) acres in a rural area.

B. Recreational vehicle Parks:

1. No more than seven (7) recreational vehicle sites, not including management, operator or employee quarters, may be established per acre or 43,560 square feet of gross land area. Individual recreational vehicle spaces shall be a minimum of twenty (20) feet wide and 750 square feet in area.

2. For purposes of this section, recreational vehicle park shall mean an area utilized for temporary occupancy by RVs of not more than thirty (30) days in any sixty (60) consecutive day period by an individual or group of individuals. A parking site shall not be utilized for the storage of recreational vehicles, motor homes or travel trailers. The park owner shall insure compliance with these occupancy requirements.

3. A recreational vehicle park may be operated in conjunction with any permitted use provided that the site or area upon which the use is located, and parking area for the use, shall be deducted from the net site area for purposes of calculating park site density.

4. At a minimum, restroom facilities shall be provided in accordance with the provisions of the Health and Safety Code, and the Housing and Community Development Codes.

5. The width and improvement of roads and driveways within an RV park is to be as follows:

a. One way: Eighteen (18) feet wide if road serves 60 spaces or more; Fifteen (15) feet if road serves less than 60 spaces; Twelve (12) feet for one-way internal road between campsite clusters without individual space access.

b. Two-way divided: Fifteen (15) feet wide on each side of divider.

c. Two-way: Twenty-Four (24) feet wide.

d. Parking: There shall be a minimum of two (2) parking spaces per campsite and two (2) parking spaces per recreational vehicle site plus the parking necessary for the recreational vehicle. Parking along internal roadways is allowed only when a paved parking lane, eight (8) feet wide is provided in addition to the roadway.

e. Road improvement standard: Two (2) inches of A.C. plant mix over two (2) inches of Class II Aggregate Base or equivalent structural section based on a Traffic Index of 4. An oil or other dust cap may be substituted for the two (2) inches of A.C. subject to approval by the County Engineer.

7. The minimum site area for a recreational vehicle park shall be five (5) acres in Town Planning Areas without adopted specific plans and ten (10) acres in a rural area.

be substituted for the two (2) inches of A.C. subject to approval by the County Engineer.

7. The minimum site area for a recreational vehicle park shall be five (5) acres in Town Planning Areas without adopted specific plans and ten (10) acres in a rural area.

EXHIBIT "A-4"

17.03.010

2. Land Use Policies for TPAs. Within areas designated as a TPA where specific land use policies have not been developed in accordance with the provisions of Section 17.03.010, 1, the land use regulations of the RRZ shall apply as an interim land use regulation. In addition to the RRZ uses, the uses described as permitted uses in CN-1 and CN-2 may be considered subject to the Use Permit Determination process contained in Chapter 17.12. The uses described as permitted uses in the CR Zone may be considered subject to the Conditional Use Permit process specified in Chapter 17.13. This interim land use policy shall remain in effect until such time as specific land use policies are adopted for each TPA respectively.

EXHIBIT "A-5"

CHAPTER 17.12

USE PERMIT DETERMINATIONS

SECTIONS:

- 17.12.010 Purpose and Issuance
- 17.12.020 Form of Application
- 17.12.030 Public Hearing Required
- 17.12.040 Granting
- 17.12.050 Use Permit revisions
- 17.12.060 Minor Modifications of Use

17.12.010 Purpose and Issuance. The purpose of the use permit determination is to allow the proper integration of uses into a community, which may be suitable only in specific locations, or only if such uses are designed or arranged on the site in a particular manner. The intent is to permit and control uses which have the potential to be socially, economically, or environmentally incompatible with a surrounding area.

Use Permit determinations may be approved as provided in this chapter, for any of the uses or purposes for which such permits are permitted by the terms of this Title.

17.12.020 Form of Application. Application for a use permit determination shall be made in writing by the owners of the property or by a lessee, purchaser in escrow or optionee with the consent of the owners, on a form prescribed by the County. The application shall be accompanied by a fee, as set by the Board of Supervisors. Plans showing the details of the proposed use shall also be submitted and shall include at a minimum the information specified by Section 17.02.150.

17.12.030 Public Hearing Required. A public hearing in accordance with the provisions of Chapter 17.15, will be required on any application for a use permit determination prior to action being taken by the Planning Commission.

17.12.040 Granting of approvals. In considering an application, the Planning Commission shall give due regard to the nature and condition of all adjacent properties, uses, and structures, and to the area affected by the proposed use.

The Planning Commission shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the

health, safety, and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the County.

If the Planning Commission finds that the aforementioned conditions will not result from the particular use applied for, it shall grant approval. In evaluating a proposed project, the Planning Commission shall approve a use permit determination providing the following findings can be made:

- A. That adequate open space is being provided;
- B. That the site is physically suited for the proposed development;
- C. That adequate provisions have been made for drainage control, sewage disposal and handling of solid waste;
- D. That the proposed development will have adequate potable water for public use and fire protection;
- E. That the project complies with all standard and special setback requirements of the Commercial Zones and appropriate buffers have been provided for adjacent land uses;
- F. That appropriate access is available, or is proposed to the development, in accordance with County Road Improvement and Circulation Policy, and County standards.
- G. That the proposed use complies with the parking requirements in Section 17.11.120 and all other mandatory provisions of this title.
- H. That the proposed use will not be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibrations, involving explosives or dangerous materials, or which might constitute a public or private nuisance.

17.12.050 Planning Commission Disapproval. If the Planning Commission is unable to make all the required findings, the proposed use shall be subject to the provisions of the Conditional Use Permit process specified in Chapter 17.13.

17.12.060 Permit Revisions. The Planning Commission may approve one or more revisions to an approved permit without a public hearing provided such revision does not result in an expansion of more than (10) percent of the original site or use area or such revision, other than expansion, is deemed necessary and desirable for the best utilization of a site, and such revision will not result in creating a potential public nuisance or health and safety problem and/or change the original intent of the use permit.

17.12.070 Modification of Use. The Planning Department may approve one or more modifications of use on an approved permit when it is determined that the proposed use is substantially similar to the originally approved use and that the proposed use cannot be reasonably expected to create a public nuisance or health and safety problem.

EXHIBIT "A-6"

17.03.010 2.

A. Minimum Parcel Size. Parcels shall have a minimum size of two and one-half acres (exclusive of easement) if the domestic water system and the sewage disposal system is to be developed on the parcel.

B. If a domestic water system or a community sewage disposal system is to be developed, then one acre parcels (exclusive of easements), may be approved providing the average slope does not exceed fifteen percent. The burden is upon the applicant to show that such system meets the laws and standards of the state and the county.

C. If both a domestic water supply system and a community sewage disposal system is to be developed then parcels of nine thousand square feet (exclusive of easements) may be approved providing the average slope does not exceed fifteen percent. The burden is upon the applicant to show that such system meets the laws and standards of the state and county.